

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Aggressive)
Insurance,)
)
Complainant,)
)
v.) Case No. 07-1039-TP-CSS
)
AT&T Ohio,)
)
Respondents.)

ENTRY

The attorney examiner finds:

- (1) On September 19, 2007, the complainant, Aggressive Insurance, filed a complaint in this case against the respondent, AT&T Ohio (AT&T). The complaint alleges that the complainant's service was disconnected for nonpayment on September 14, 2007, but that it never received a disconnection notice on the past due amount of \$284.97. The complainant further alleges that on July 20, 2007, it paid a deposit of \$380.00 and on that same date made a payment of \$276.95 through an electronic funds transfer (EFT). It further alleges making two additional EFT payments, for \$228.55 on August 20, 2007, and for \$513.64 on September 14, 2007. The complainant is seeking to be reimbursed for the deposit it paid in July, on grounds that it never received a disconnection notice.
- (2) On October 9, 2007, the respondent, through counsel, filed an answer to the complaint. Among other things, AT&T admits that the complainant is its customer. AT&T claims that a disconnection notice was sent to Aggressive Insurance based on AT&T's standard practices and procedures. Further, AT&T admits that the complainant paid a deposit on July 20, 2007, and made the additional payments in August and September as alleged in the complaint. AT&T admits that it has denied reimbursing the complainant's deposit, in accordance with AT&T's policy to keep a deposit until the customer has a perfect payment history for 12 straight months.

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In its answer, AT&T denies any other allegations of the complaint not expressly admitted, avers that it has breached no legal duty owing the complainant, claims that its service and practices at all relevant times have been in accordance with all applicable law and accepted industry standards and, finally, says that the complaint fails to state reasonable grounds for proceeding to a hearing as required by Section 4905.26, Revised Code.

- (3) Commission records indicate no activity in this case since a prehearing settlement conference that was scheduled for June 17, 2008.
- (4) In view of the fact that this case file has been inactive for many months, the complainant is directed to contact the attorney examiner by November 15, 2008, and make arrangements to move forward with the prosecution of its case in the manner outlined in Finding (5) of this entry. Failure of the complainant to do so will be considered cause for dismissal of the complaint.

The complainant appears to be a business entity, but the signature on the complaint is illegible and needs to be identified for the record. Moreover, the business relationship between the complainant's business and the person whose signature appears on the complaint needs to be clarified for the record. Unless the complainant is a sole proprietorship and, as such, is a person whose individual interests are the very same as those of the business entity who is the complainant, the complainant must, in accordance with Rule 4901-1-08(A), O.A.C., be represented by an attorney-at-law authorized to practice before the courts of Ohio.

- (5) Specifically, the complainant (or the complainant's counsel, if any,) must contact the attorney examiner by November 15, 2008 and provide the following information:
 - (a) The identity of the person whose signature appears on the complaint.
 - (b) The nature of the business relationship between the complainant's business and the person whose signature appears on the complaint.
 - (c) Either the identity of the complainant's counsel or, if the complainant does not believe it is required, under

Rule 4901-1-08(A), O.A.C., to be represented by counsel in this matter, then an explanation of why the complainant believes it is not so required.

- (d) A date requested by the complainant for holding an evidentiary hearing in this matter

It is, therefore,

ORDERED, That the complainant in this case proceed under the terms set forth in Findings (4) and (5) of this entry or the complainant's case will be recommended for dismissal. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

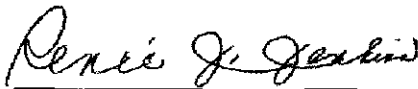


By: Daniel E. Fullin
Attorney Examiner

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Entered in the Journal

OCT 29 2008



Renee J. Jenkins
Secretary