

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Barbara)
E. Garstka,)

Complainant,)

v.)

AT&T Ohio,)

Respondent.)

Case No. 08-1128-TP-CSS

ENTRY

The attorney examiner finds:

- (1) On September 25, 2008, Barbara E. Garstka (Ms. Garstka or complainant) filed a complaint against AT&T Ohio (AT&T). In the complaint, Ms. Garstka refers to problems that relate, in whole or in part, to her digital subscriber line (DSL) service. She also alleges that AT&T owes her a credit for \$100.
- (2) On October 15, 2008, AT&T filed an answer to the complaint. In its answer, AT&T alleges that the complainant is not the person responsible for the account. However, AT&T admits that it provides certain services under the account.

Noting the complainant's reference to DSL service, AT&T alleges that the Commission has no jurisdiction over DSL service, Internet service, or billing associated with such services.

In further response to the complaint, AT&T denies that there was a three-week outage of service under the account cited by the complainant. Moreover, AT&T denies that it offered the complainant a \$100 credit on the account. Overall, AT&T contends that it has breached no legal duty relating to services rendered under the account.

- (3) The Federal Communications Commission has deemed retail DSL service to be an information service. Both DSL service and

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any charges or credits related to it are matters beyond the Commission's jurisdiction.¹

Section 4905.26, Revised Code, requires that a complaint set forth reasonable grounds for complaint. Upon finding reasonable grounds, a complaint may proceed to hearing. The complaint, as it stands, does not provide a clear set of facts for the Commission to determine whether there are reasonable grounds or whether the Commission has jurisdiction.

- (4) To determine whether reasonable grounds exist and whether the Commission has jurisdiction, Ms. Garstka must provide a clear, concise statement of the facts underlying the complaint. The statement of facts should include a description of the service or services that are at issue. In the complaint, Ms. Garstka claims that she is entitled to a credit for one hundred dollars. She should clarify to which service the credit relates. Ms. Garstka should file the statement of facts on or before December 2, 2008.

It is, therefore,

ORDERED, That the complainant file on or before December 2, 2008, a statement of facts in accordance with Finding (4). It is, further,

¹ See, e.g., *In the Matter of the Complaint of Don Damyanic v. Verizon North Inc.*, Case No. 06-270-TP-CSS (Entry issued April 10, 2006).

ORDERED, That copies of this Entry be served upon the parties, counsel, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: *L. Douglas Jennings*
Attorney Examiner

JFJ
vrm

Entered in the Journal

NOV 17 2000

Renee J. Jenkins

Renee J. Jenkins
Secretary