

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of E. Marie)	
Lewis,)	
)	
Complainant,)	
)	
v.)	Case No. 08-334-TP-CSS
)	
AT&T Ohio,)	
)	
Respondent.)	

ENTRY

The Attorney Examiner finds:

- (1) On March 26, 2008, E. Marie Lewis (Complainant) filed a complaint against AT&T Ohio (AT&T) alleging that she is being improperly billed for calls to information (411 calls). Ms. Lewis explains that, approximately 10 years ago, she provided a doctor's statement to AT&T indicating that she is blind. According to Ms. Lewis, her blindness exempts her from being billed for 411 calls, and for many years she made many such calls at no charge, but in the past 15 months she has been billed for 411 calls "on a regular monthly basis." Ms. Lewis requests that there be "one designated liaison at AT&T," notification via telephone when there is "a new charge or rule [that] will adversely affect my bill," and 411 service for her AT&T cellular telephone. In support of her allegation, Ms. Lewis attached a copy of a recent "application for exemption for operator assistance charges" form, which was completed by her doctor and provided to AT&T in March 2008, and a copy of the first page of her February 16, 2008, AT&T bill.
- (2) AT&T filed an answer on April 16, 2008, in which it admits that Ms. Lewis is registered with AT&T as a blind customer who is entitled to an exemption from local directory assistance charges, in accordance with AT&T's tariff. AT&T adds that the exemption for local directory assistance charges does not apply to national directory assistance or business category search, which are two other directory assistance offerings that it provides. The tariffed rates for national directory assistance

which are two other directory assistance offerings that it provides. The tariffed rates for national directory assistance and business category search are \$1.99 per listing request. In AT&T's opinion, Ms. Lewis was properly charged for national directory assistance calls that she placed.

AT&T acknowledges that, under Rule 4901:1-5-03(B), Ohio Administrative Code (O.A.C.), it must offer either a printed directory that includes all published telephone numbers within the incumbent local exchange company's (ILEC's) local calling area or free directory assistance for all published telephone numbers in that same area. AT&T asserts that it complies with Rule 4901:1-5-03(B), O.A.C., through the distribution of printed directories. AT&T adds that there is no legal obligation that it must provide free directory assistance for the blind, and explains that it does so pursuant to its tariff for local telephone numbers.¹

Finally, AT&T contends that there is no obligation for its affiliated wireless entities to provide free directory assistance in any circumstances, and observes that the Commission lacks jurisdiction over the rates for any wireless services provided by its affiliates.

In sum, states AT&T, it has breached no legal duty to Ms. Lewis, so it is appropriate to dismiss the complaint.

- (3) Having reviewed Ms. Lewis' complaint and AT&T's answer, the Attorney Examiner concludes that a prehearing conference between the parties is appropriate. Therefore, the parties are to call 614-644-1080 on July 21, 2009, at 10:00 A.M. Eastern Daylight Time. The purpose of the conference is to attempt to resolve matters without the need to proceed to a hearing.

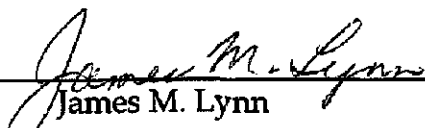
It is, therefore,


ORDERED, That a prehearing conference is scheduled as described in Finding (3) above. It is, further,

¹ See, AT&T Tariff, titled "The Ohio Bell Telephone Company" P.U.C.O. No. 20, Part 11, Section 2.

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: 
James M. Lynn
Attorney Examiner

/vrm

Entered in the Journal

JUL 09 2009



Renee J. Jenkins
Secretary