

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Settlement Agreement )  
Between the Staff of The Public Utilities )  
Commission of Ohio and USLD )  
Communications, Inc. )

Case No. 02-2396-TP-UNC

FINDING AND ORDER

The Commission finds:

- (1) Section 4905.32, Revised Code, provides that "[N]o public utility shall charge, demand, exact, receive, or collect a different rate...for any services rendered...than that applicable to such service as specified in its schedule filed with the public utilities commission" at that time.
- (2) USLD Communications, Inc. (USLD) is a telephone company as defined in Section 4905.03(A)(2), Revised Code, and thus a public utility as set forth in Section 4905.02, Revised Code.
- (3) As the result of a customer complaint, the Commission's Staff began an investigation concerning the rates charges by USLD. This investigation revealed that USLD was charging in excess of its tariffed rates. Staff also discovered that these excess charges were billed to other customers of USLD since the billing error was the result of a computer programming error. In addition to the billing error, Staff found that USLD was charging a non-subscriber line charge in violation of the Commission's alternative operator service guidelines set forth in Case No. 88-560-TP-COI.
- (4) As a result of this investigation and subsequent discussions between the Staff and USLD, a document entitled Stipulation and Settlement Agreement (settlement agreement) was docketed on September 17, 2002. This settlement agreement reflects that: USLD has corrected its billing system to prevent further billing inaccuracies; USLD has provided credits to customers plus interest; USLD ceased assessing customers the non-subscriber line surcharge; and USLD agreed to remit \$35,000 to the State of Ohio within 30 days of the settlement agreement being adopted and approved by the Commission. Staff submits that the settlement agreement resolves all issues investigated by Staff as a result of the customer complaint.
- (5) Rule 4901-1-30, Ohio Administrative Code, authorizes parties to Commission proceedings to enter into stipulations. Although not binding upon the Commission, stipulations are given careful scrutiny and consideration, particularly where all

parties have joined together in the stipulation. See, *Cincinnati Gas and Electric Company*, Case No. 76-302-EL-AIR (May 4, 1977).

- (6) The settlement agreement entered into between the Staff and USLD represents a fair and equitable resolution of this matter. Accordingly, the settlement agreement is adopted and approved by the Commission.

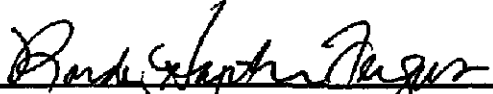
It is, therefore,

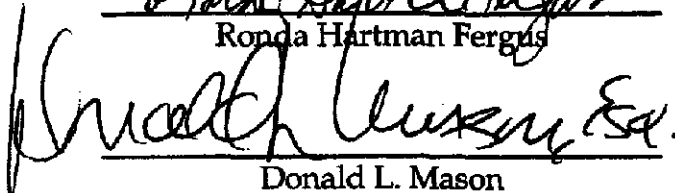
ORDERED, That the terms and conditions of the settlement agreement entered into between Staff and USLD be approved and adopted by this Commission order. It is, further,


ORDERED, That a copy of this finding and order be served on all parties of record.

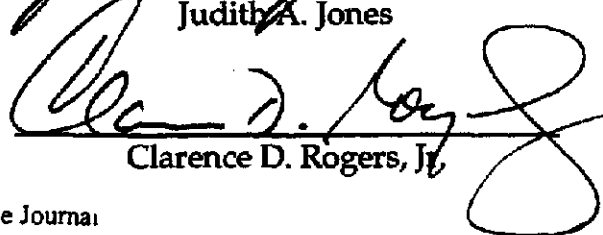
THE PUBLIC UTILITIES COMMISSION OF OHIO

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Alan R. Schriber, Chairman

  
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Ronda Hartman Fergus

  
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Donald L. Mason

  
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Judith A. Jones

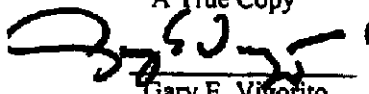
  
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Clarence D. Rogers, Jr.

JRJ/vrm

Entered in the Journal

SEP 26 2002

A True Copy

  
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Gary E. Vigorito  
Secretary