

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	
Communications Options, Inc.,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 04-658-TP-CSS
	)	
ValTech Communications, LLC,	)	
	)	
Respondent.	)	

ENTRY

The Commission finds:

- (1) On September 13, 2006, the Commission issued an opinion and order which, among other things, determined that the respondent, ValTech Communications, LLC (ValTech), violated Commission rules in acquiring customers from complainant, Communications Option, Inc. (COI). The Commission assessed a forfeiture of \$25,000 against ValTech.
- (2) By entry on rehearing issued on March 5, 2008, the Commission denied ValTech's application for rehearing.
- (3) Subsequent to the issuance of the Commission's entry on rehearing, further litigation involving the matters giving rise to this complaint occurred when ValTech appealed the Commission's opinion and order to the Ohio Supreme Court and when COI sued ValTech for damages in the Richland County Court of Common Pleas.
- (4) On August 20, 2009, the parties to this proceeding, COI and ValTech (moving parties), docketed a joint motion requesting that the Commission waive the forfeiture ordered in this matter in light of an agreement of the moving parties to settle their dispute. In support of the joint motion, the moving parties stated that they would like to permanently and finally resolve their litigation. They reason that the forfeiture is no longer necessary because an agreed upon \$60,000 payment from

ValTech to COI is a sufficient penalty and deterrent. The moving parties note that, if the Commission waives the forfeiture, ValTech agrees to dismiss its appeal of the Commission's decision to the Ohio Supreme Court.

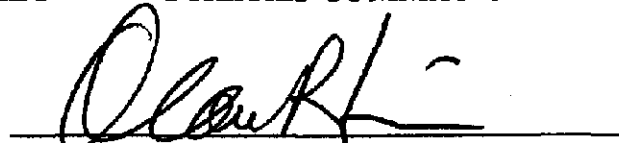
- (5) Based upon the statements set forth in the August 20, 2009, joint motion, including the moving parties' agreement to resolve the state-court litigation and ValTech's agreement to dismiss the Ohio Supreme Court proceeding, the Commission finds that the joint motion should be approved. Accordingly, the \$25,000 forfeiture assessed in this matter against ValTech is waived effective upon dismissal by the Ohio Supreme Court.

It is, therefore,

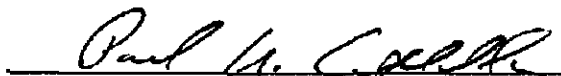
ORDERED, That the forfeiture in this matter be waived in accordance with finding 5. It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

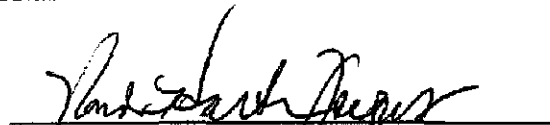
THE PUBLIC UTILITIES COMMISSION OF OHIO



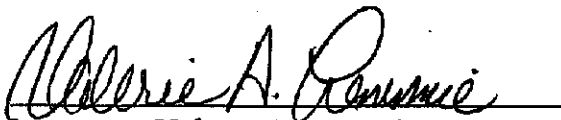
Alan R. Schriber, Chairman



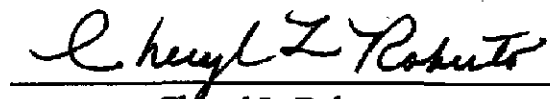
Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

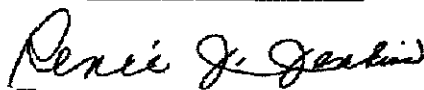


Cheryl L. Roberto

JRJ/vrm

Entered in the Journal

**AUG 26 2009**



Renee J. Jenkins  
Secretary