

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	
MCImetro Access Transmission Services	)	
LLC dba Verizon Access Transmission	)	
Services,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 09-303-TP-CSS
	)	
The Ohio Bell Telephone Company dba	)	
AT&T Ohio,	)	
	)	
Respondent.	)	

ENTRY

The Commission finds:

- (1) On April 6, 2009, MCImetro Access Transmission Services LLC dba Verizon Access Transmission Services (MCImetro or complainant) filed a complaint against The Ohio Bell Telephone Company dba AT&T Ohio (AT&T). In the complaint, MCImetro alleges that AT&T has breached the interconnection agreement entered into by the parties by overcharging MCImetro for services. For relief, MCImetro requests that the Commission issue an order directing AT&T to issue a refund to MCImetro equal to the amount overcharged plus interest. MCImetro also requests that the Commission find that AT&T has violated the Ohio Revised Code, allowing MCImetro to seek treble damages.
- (2) AT&T filed an answer to the complaint on April 27, 2009. In its answer, AT&T denies that it breached the parties' interconnection agreement, that it overcharged MCImetro, or that MCImetro is entitled to a refund, interest, or treble damages. Rejecting MCImetro's claims, AT&T declares that it did not charge MCImetro more than the rates authorized by law. To the contrary, AT&T proclaims that it properly billed MCImetro during the relevant period.

- (3) On July 14, 2009, the parties filed a joint motion to dismiss the complaint without prejudice. The parties explain that they have engaged in discussions aimed at resolving the dispute.
- (4) The Commission finds that the parties' motion to dismiss the complaint without prejudice so that negotiations can take place is reasonable and should be granted. Accordingly, the motion to dismiss should be granted.

It is, therefore,

ORDERED, That, in accordance with Finding (4), the parties' joint motion to dismiss without prejudice is granted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



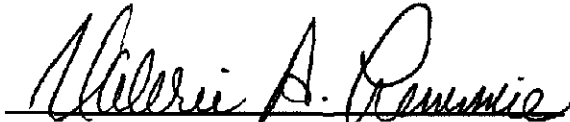
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Cheryl L. Roberto

LDJ/vrm

Entered in the Journal

AUG 26 2009



Renee J. Jenkins  
Secretary