

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Time Warner NY Cable LLC,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 09-379-TP-CSS
	)	
Cincinnati Bell Telephone Company LLC,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On May 4, 2009, Time Warner NY Cable LLC (Time Warner) filed a complaint against Cincinnati Bell Telephone Company LLC (CBT) alleging that CBT overbilled Time Warner for pole attachments.
- (2) Along with an answer, CBT filed a motion to dismiss the complaint on June 3, 2009.
- (3) On June 5, 2009, the Commission's legal director issued an entry ordering Time Warner to place money into escrow by June 12, 2009, as a condition for CBT maintaining service.
- (4) In a letter filed June 15, 2009, Time Warner advised the Commission that it had deposited \$186,832.50 into escrow on June 12, 2009.
- (5) On June 18, 2009, Time Warner filed a memorandum contra CBT's motion to dismiss.
- (6) On June 25, 2009, CBT filed a reply in support of its motion to dismiss.
- (7) Upon review of the pleadings in this matter, a prehearing conference should be held to determine whether the parties can resolve the issues without a formal hearing. The

prehearing conference shall be held on November 5, 2009, at 1:30 p.m. in Hearing Room G at the offices of the Commission, 180 East Broad St., Columbus, Ohio 43215. If the parties fail to settle this matter, they should be prepared to discuss discovery schedules and hearing dates.

It is, therefore,

ORDERED, That a prehearing settlement conference be held on November 5, 2009, at 1:30 p.m. in Hearing Room G at the offices of the Commission, 180 East Broad St., Columbus, Ohio 43215. 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

By: *L. Douglas Jennings*  
L. Douglas Jennings  
Attorney Examiner

GRG  
/ct

Entered in the Journal

OCT 09 2009

*Renee J. Jenkins*

Renee J. Jenkins  
Secretary