

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Connie J. Smith,	)	
	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 09-647-TP-CSS
	)	
Clear Rate Communications, Inc.,	)	
	)	
Respondent.	)	

ENTRY

The Commission finds:

- (1) The complaint in this case, which alleges unfair billing practices, was filed on July 27, 2009, by the complainant, Connie J. Smith, against the respondent, Clear Rate Communications, Inc. (Clear Rate). The respondent filed an initial response to the complaint on August 10, 2009.
- (2) On October 9, 2009, the respondent filed a motion to dismiss and statement that the complaint has been settled. In its pleading, the respondent asserts that this matter has been resolved, and should be dismissed pursuant to Rule 4901-9-01(F), Ohio Administrative Code (O.A.C.).
- (3) Rule 4901-9-01(F), O.A.C., provides, as pertinent, that where the respondent asserts that a complaint has been satisfied and should be dismissed, the complainant shall file within 20 days a written response which indicates whether the complainant agrees or disagrees with the respondent's assertions and whether he or she wishes to pursue the complaint. If no such response is filed in the prescribed period, according to the rule, the Commission may presume that satisfaction or settlement has occurred and dismiss the complaint.
- (4) Under Rule 4901-9-01(F), O.A.C., the complainant had until October 29, 2009, to file a written response to Clear Rate's October 9, 2009,

motion to dismiss and statement that the complaint has been settled. However, the complainant has not filed any response.

- (5) Because the complainant has not, within the prescribed period, responded to the respondent's assertion that the complaint has been satisfied and should be dismissed, this Commission presumes that the parties have settled this complaint. Consequently, this case is dismissed pursuant to Rule 4901-9-01(F), O.A.C.

It is, therefore,

ORDERED, That this case be dismissed in accordance with the above findings. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

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Alan R. Schriber, Chairman

  
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Paul A. Centolella

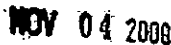
  
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Ronda Hartman Fergus

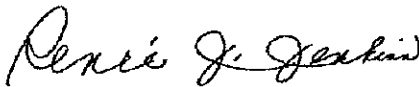
  
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Valerie A. Lemmie

  
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Cheryl L. Roberto

DEF/dah

Entered in the Journal

  
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NOV 04 2008

  
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Renee J. Jenkins

Renee J. Jenkins  
Secretary