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December 23, 2009


ATTN: DOCKETING DIVISION
Public Utilities Commission of Ohio
180 E Broad Street
Columbus, OH 43215

RE: John F. Potts vs. AT&T Ohio
Case No.: 09-235-TD-CSS

Dear Docketing Division:

Enclosed is the original and twelve (12) copies of a Memorandum in Response to Motion to Dismiss. Please return the extra copies to me after they have been file stamped by your office.

Sincerely,


Kyleen S. Pfund, Legal
Secretary to John F. Potts

JFP/ksp
Enclosures

PUCO

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

JOHN F. POTTS,

)

Complainant,

)

-VS-

)

Case No. 09-235-T~~B~~^P-CSS

)

AT&T OHIO,

)

Respondent.

MEMORANDUM IN RESPONSE TO MOTION TO DISMISS

Now comes Complainant, John F. Potts, and respectfully submits this response to AT&T Ohio's Motion to Dismiss.

Complainant and AT&T Ohio had reached a settlement. Complainant has been making the payments required under the settlement. However, AT&T Ohio subsequently added unjustified "adjustments" to Complainant's bill which operate to artificially increase the amount due in apparent violation of the settlement agreement.

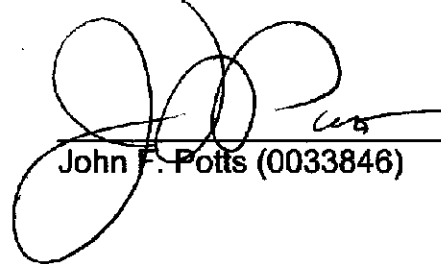
Complainant has been in contact with counsel for AT&T Ohio in writing and by telephone in an effort to resolve the discrepancy. It is significant to note that adding arbitrary "adjustments" to Complainant's account was the conduct on the part of AT&T Ohio that precipitated the initial filing of the Complaint in this action in the first place.

It appears that counsel for AT&T Ohio is making a good faith effort to address the apparent violation of the settlement agreement by AT&T Ohio as she has requested certain

information, including cancelled checks, from Complainant which have been provided.

Accordingly, it is requested that this matter be held open for an additional thirty (30) days to determine if it will be necessary for Complainant to file a Motion to Specifically Enforce the Settlement Agreement.

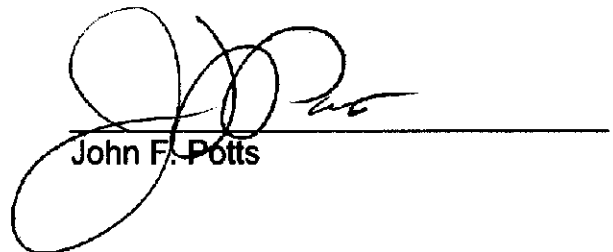
Respectfully submitted,



John F. Potts (0033846)

CERTIFICATION

This is to certify that a copy of the foregoing was served by ordinary U.S. Mail this 23rd day of December, 2009 upon: Mary Ryan Fenlon, *Senior Counsel, AT&T Legal Department*, 150 East Gay Street, Room 4-A, Columbus, Ohio 43215.



John F. Potts