

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of William Steven Gandee, D.C.,)	
and)	
)	
In the Matter of Brian Longworth, D.C.,)	
)	Case No. 09-51-TP-CSS
Complainants,)	
)	Case No. 09-52-TP-CSS
v.)	
)	
Choice One Communications, Inc. dba One)	
Communications,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On January 22, 2009, counsel for William Steven Gandee, D.C. (Dr. Gandee) and Brian Longworth, D.C. (Dr. Longworth) (collectively, Complainants) filed complaints against Choice One Communications dba One Communications (Choice One), alleging that in November 2006 Choice One unlawfully ported Complainants' telephone numbers (330) 896-8500 and (330) 724-5521 from AT&T to Choice One. Complainants further allege that Choice One refused Complainants' March 2008 request that it remove Complainants' telephone numbers from the account of Choice One customer Dr. Keith Ungar (Dr. Ungar) and transfer the numbers to Complainants' new location.
- (2) Choice One answered both complaints on February 11, 2009, by contending that had obtained a verified letter of agency before submitting a port request to AT&T in November 2006. Choice One also argued that Complainants were not listed on Dr. Ungar's account as authorized to make changes to the account and that, therefore, Choice One was justified in not making the changes sought by Complainants.
- (3) By entry issued February 13, 2009, the attorney examiner scheduled both complaints for a prehearing conference on

February 24, 2009. The parties met at that day and time but did not resolve matters.

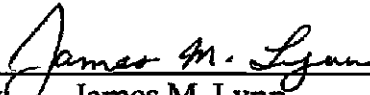
- (4) Choice One filed a motion to dismiss and an accompanying memorandum in support on April 9, 2010, contending that it properly relied on the letter of agency when it submitted the port request to AT&T.
- (5) In their May 3, 2010, response to the motion to dismiss, Complainants restated their contentions from the complaint.
- (6) On May 7, 2010, Choice One filed its remarks answering the Complainants' May 3, 2010, response.
- (7) In an October 4, 2010, entry, the Commission denied Choice One's motion to dismiss the complaint.
- (8) Accordingly, this matter is scheduled for a hearing on January 20, 2011, at 1:00 P.M. in Hearing Room 11-D at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793.


It is, therefore,

ORDERED, That a hearing be scheduled as indicated in Finding (8). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


By _____
James M. Lynn
Attorney Examiner

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Entered in the Journal
NOV 24 2010



Renee J. Jenkins
Secretary