

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of The Frank)	
Gates Service Company,)	
)	
Complainant,)	
)	
v.)	Case No. 12-2638-TP-CSS
)	
The Ohio Bell Telephone Company d/b/a)	
AT&T Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On October 1, 2012, The Frank Gates Service Company (complainant) filed a complaint against The Ohio Bell Telephone Company d/b/a AT&T Ohio (AT&T) relative to a billing dispute and allegations of deceptive and misleading practices by AT&T.
- (2) By entry issued on October 24, 2012, the attorney examiner granted AT&T's motion for a 30-day extension of time to file its answer in this matter.
- (3) On December 4, 2012, AT&T filed its answer as well as a motion requesting that the answer be accepted as timely filed. For its answer, AT&T admits to providing certain services subject to the Commission's jurisdiction but denies that the Commission has jurisdiction over the entire subject matter of this complaint. AT&T urges the Commission to dismiss the complaint for failure to set forth reasonable grounds for complaint and for lack of jurisdiction as more fully set forth in a motion to dismiss.

In support of its request that the answer be accepted as timely filed, AT&T points out that its answer was timely served upon counsel for the complainant and upon the attorney examiner but was not successfully filed electronically with the Commission. Rather, an unrelated document was filed on the

date that the answer was due. AT&T submits that, upon being informed that the answer had not been successfully docketed, the company took steps to file its answer and filed this motion requesting that the Commission accept the filing as if timely made.

- (4) The attorney examiner determines that AT&T's motion requesting that its answer be accepted as timely filed is well made and shall, therefore, be granted. AT&T's answer docketed on December 4, 2012, will be treated as if it were timely filed.
- (5) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code (O.A.C.), any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's Legal Department will facilitate the settlement discussion. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.
- (6) Accordingly, a settlement conference shall be scheduled for January 8, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Hearing Room 1246, Columbus, Ohio 43215-3793. If it becomes apparent that the parties are not likely to settle this matter, the parties should be prepared to discuss a procedural schedule to facilitate the timely and efficient processing of this complaint.
- (7) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of AT&T shall investigate the issues raised in the complaint prior to the settlement conference and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

- (8) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

It is, therefore,

ORDERED, That AT&T's answer be accepted as timely filed in accordance with finding (4). It is, further,

ORDERED, That the matter be scheduled for a settlement conference on January 8, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th floor, Hearing Room 1246, Columbus, Ohio 43215-3793. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Jeffrey R. Jones

By: Jeffrey R. Jones
Attorney Examiner

sef/vrm

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in

Case No(s). 12-2638-TP-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for January 8, 2013 at 10:00 a.m., electronically filed by Vesta R Miller on behalf of Jeffrey R. Jones, Attorney Examiner, Public Utilities Commission of Ohio