

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of American)	
Broadband and Telecommunications)	
Company,)	
)	
Complainant,)	
)	
v.)	Case No. 10-533-TP-CSS
)	
Frontier North Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On April 19, 2010, American Broadband and Telecommunications Company (American Broadband or complainant) filed a complaint alleging, among other things, that Verizon North Inc. (Verizon North or respondent) has failed to provide adequate service as required by Section 4905.22, Revised Code. Specifically, American Broadband asserts that since 2007, Verizon North has failed to fix software problems that have negatively impacted the respondent's ability to timely and properly process the complainant's loop and port orders and corresponding local number portability requests. The complainant alleges that, as a direct and proximate result of Verizon North's deficiencies, its business has been interfered with and negatively impacted due to the cancellation of service orders by prospective customers. The complainant also asserts that the respondent's charges are in excess of those established in the applicable interconnection agreement and tariffs.
- (2) A settlement conference was held on May 19, 2010. Although no resolution was reached, the parties indicated that they would continue to discuss a settlement prior to the scheduling of a hearing. The parties have periodically reported back to the attorney examiner regarding their continued efforts to negotiate an informal resolution to the complaint.

- (3) On September 12, 2012, American Broadband filed an amended complaint¹ setting forth the alleged continued problems related to billing-related issues:
- (a) Frontier has systematically and purposefully created a “No Dial Tone” during loop and port orders in violation of Sections 4905.22 and 4905.35, Revised Code.
 - (b) Frontier has failed to accurately post payments in violation of Section 4905.22, Revised Code, and the interconnection agreement.
 - (c) Frontier has failed to produce invoices in a timely manner and in the proper format in violation of Sections 4905.22 and 4905.35, Revised Code, and the interconnection agreement.
 - (d) Frontier has been unwilling to provide credits or accurately address American Broadband’s disputes in violation of Section 4905.22, Revised Code, and the interconnection agreement.
 - (e) Frontier’s actions violate the policy set forth in Section 4927.02, Revised Code.
- (4) On January 7, 2013, Frontier filed its amended answer and affirmative defenses to the amended complaint.
- (5) Pursuant to Rule 4901:1-7-10, Ohio Administrative Code, this matter is scheduled for mediation at this time. The mediation process shall be the same as that set forth in paragraphs (B)(2) to (B)(8), of Rule 4901:1-7-08, O.A.C.
- (6) Accordingly, mediation shall be scheduled for Tuesday, April 9, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 12th Floor, Room 1246, Columbus, Ohio 43215-3793.
- (7) All parties attending the mediation shall be prepared to discuss settlement of the issues raised and shall have the requisite

¹ American Broadband’s September 12, 2012, motion also sought to substitute Frontier North Inc. (Frontier) as a successor in interest to Verizon North. American Broadband’s request was granted by attorney examiner entry issued on October 12, 2012.

authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter. 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.

It is, therefore,

ORDERED, That a mediation be scheduled consistent with Finding (6). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Jay S. Agranoff

By: Jay S. Agranoff
Attorney Examiner

jrj/vrm

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in

Case No(s). 10-0533-TP-CSS

Summary: Attorney Examiner Entry scheduling a mediation for April 9, 2013, at 10:00 a.m., electronically filed by Vesta R Miller on behalf of Jay S. Agranoff, Attorney Examiner, Public Utilities Commission of Ohio