

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Robert P. Madison)	
International, Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. 13-1135-TP-CSS
)	
The Ohio Bell Telephone Company d/b/a)	
AT&T Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On May 3, 2013, Robert P. Madison International, Inc. (RPMI or complainant) filed a complaint against The Ohio Bell Telephone Company dba AT&T Ohio (AT&T Ohio or respondent). Briefly summarized, the complaint alleges that AT&T Ohio provided local exchange and other services to RPMI at its temporary field office, at 1278 W. 3rd St., Cleveland Ohio, during a period beginning in 1989 and ending in 1994, when, the complainant alleges, RPMI closed its temporary field office, returned the telephone system installed at that location that it had been leasing from AT&T Ohio, and cancelled all telephone services provided by the respondent to the field office. The complainant further alleges that, unbeknownst to RPMI, AT&T Ohio continued to charge the complainant approximately \$300 per month from at least January 1995 through January 2013 for telephone services associated with the temporary field office, and that RPMI's bills did not clearly or conspicuously disclose the fact that AT&T Ohio was doing so. RPMI seeks to have the Commission issue an order declaring the charges imposed by AT&T Ohio on RPMI for services associated with the temporary field office during and after January 1995 to be: (a) unlawful; (b) unjust and unreasonable; and (c) in violation of Rule 4901:1-6-17, Ohio Administrative Code. The complainant also seeks to have the Commission assess the maximum civil forfeitures permitted by law and/or order such other relief as it deems appropriate.

- (2) AT&T Ohio filed its answer on May 28, 2013. On June 14, 2013, AT&T filed a motion for leave to amend its May 28, 2013, answer, on grounds that "further investigation ... has revealed the fact that several different corporate entities, some of which were unrelated to AT&T Ohio, may have been involved in the circumstances presented." Contemporaneously with its motion, AT&T proffered an amended answer which, it asserts, "clarifies the distinction between these entities."
- (3) The attorney examiner notes that the complainant has not filed any response to AT&T Ohio's motion for leave to amend its answer. Upon review, the attorney examiner finds that AT&T Ohio's motion for leave to amend its answer should be granted.
- (4) In its amended answer, AT&T Ohio admits to certain of the allegations of the complaint, but denies others. The respondent takes the position that it has breached no legal duty owed to the complainant, and that its services and practices at all relevant times have been lawful and in accordance with industry standards. The respondent asserts, as an affirmative defense, that the complaint fails to state reasonable grounds or otherwise state a cause of action against AT&T Ohio for which relief can be granted. It also asserts that two entities referenced in the complaint or its exhibits, namely AT&T Information Systems, Inc. and AT&T Credit Corporation, were not, during the relevant period, affiliates of, or related to, AT&T Ohio.
- (5) By this entry, the attorney examiner schedules a settlement conference in this matter. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution 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 process. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.

- (6) Accordingly, a settlement conference in this matter is hereby scheduled to occur on July 31, 2013, at 10:00 a.m., at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. If there is no settlement reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (7) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised on 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 authority to settle those issues.
- (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 Ohio's motion for leave to amend its answer be granted in accordance with finding (3). It is, further,

ORDERED, That a settlement conference in this matter be scheduled for July 31, 2013, at 10:00 a.m., at the Commission offices, 180 East Broad Street, 12th floor, Conference 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/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/3/2013 2:50:19 PM

in

Case No(s). 13-1135-TP-CSS

Summary: Attorney Examiner Entry grants AT&T Ohio's motion for leave to amend its answer and orders a settlement conference to be held on 07/31/2013 in accordance with finding (6). - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio