

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of United)	
Telephone Company of Ohio d/b/a)	
CenturyLink,)	
)	
Complainant,)	
)	Case No. 13-836-TP-CSS
v.)	
)	
The Village of Kirkersville, Ohio,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On April 5, 2013, United Telephone Company of Ohio d/b/a CenturyLink (CenturyLink) filed a complaint pursuant to Sections 4939.06 and 4905.26, Revised Code, stating that it does not accept Ordinance No. 03 2013, which was adopted by the Village of Kirkersville, Ohio (Kirkersville) with respect to rights of way, and that the ordinance is unreasonable, unjust, unjustly discriminatory, and/or unlawful. According to the complaint, the ordinance was passed and signed on March 6, 2013. Kirkersville filed its answer on April 25, 2013, which denied the material aspects of the complaint.
- (2) By entry issued on May 15, 2013, the Commission determined that CenturyLink had provided reasonable grounds for complaint and suspended the public way ordinance for the duration of the Commission's consideration of the complaint.

- (3) On May 15, 2013, the attorney examiner issued a procedural entry establishing dates for the filing of testimony, a prehearing conference, and a hearing in order for the Commission to render a decision within 120 days of the filing of the complaint, in compliance with Section 4939.06(A), Revised Code.
- (4) On May 30, 2013, the parties jointly filed a motion for continuance seeking to extend the dates for the filing of testimony and the hearing. In support of the joint motion, the parties explained that they were attempting to negotiate a settlement of this matter. Recognizing the 120-day timeframe set forth in Section 4939.06(A), Revised Code, the parties agreed to extend the time by which the Commission may issue a final order in this matter.
- (5) By entry issued on May 31, 2013, the attorney examiner granted the parties' joint motion for continuance.
- (6) On September 19, 2013, CenturyLink filed a motion to dismiss the complaint. In its motion, CenturyLink explains that the matter has been settled and a settlement agreement has been signed by the parties.
- (7) The Commission finds that CenturyLink's motion to dismiss the complaint is reasonable, given that the parties have reached a settlement agreement that resolves the issues raised in the complaint. Accordingly, the motion to dismiss the complaint should be granted.

It is, therefore,

ORDERED, That CenturyLink's motion to dismiss the complaint be granted.
It is, further,

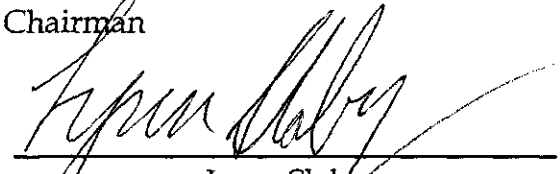
ORDERED, That Case No. 13-836-TP-CSS be dismissed. It is, further,


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

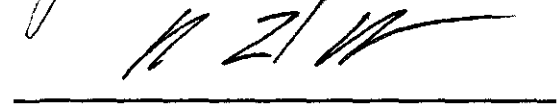
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Smithler, Chairman


Steven D. Lesser


Lynn Slaby


M. Beth Trombold


Asim Z. Haque

SJP/sc

Entered in the Journal

OCT 09 2013



Barcy F. McNeal
Secretary