

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the John T. Schonher,)	
)	
Complainant,)	
)	
v.)	Case No. 13-2216-TP-CSS
)	
The Ohio Bell Telephone Company, dba)	
AT&T Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On November 14, 2013, the complainant, John T. Schonher, filed a complaint against the respondent, AT&T Ohio.¹ While specific facts in dispute could have been more clearly explained, it appears that the complaint seems to involve a dispute over whether a bill in the amount of \$136.41 was ever fully paid to AT&T Ohio by the complainant as he alleges. The complainant claims that he has been a customer of AT&T Ohio for five years with a perfect payment history.
- (2) AT&T Ohio filed an answer on December 5, 2013. AT&T Ohio admits that it provided certain Commission-regulated services to the complainant. AT&T Ohio claims that a payment of \$136.41 was made on August 3, 2012, was reversed the same day, and was therefore not credited to the complainant's account. According to the respondent, a second payment of \$136.41 was made on August 7, 2012, and was credited to the complainant's account. AT&T Ohio avers that, apart from these two mentioned payments, the complainant fell behind in his payments and his account was "subject to treatment accordingly." AT&T Ohio submits that the complainant's service was disconnected on September 18, 2012, and that "money is still owed on his

¹ The complaint was filed against AT&T. In its answer, AT&T Ohio explained that its proper corporate name is The Ohio Bell Telephone Company, dba AT&T Ohio.

final bill.” AT&T Ohio states that it lacks sufficient knowledge to admit or deny the other allegations of the complaint, asserts that it has breached no legal duty owed to the complainant, and avers that its services and practices at all relevant times has been in full accordance with all applicable provisions of law and accepted industry standards.

- (3) 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 Ohio Adm.Code 4901-1-26, any statement 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.
- (4) Accordingly, a settlement conference shall be scheduled for January 30, 2014, at 10:00 a.m. in Hearing Room A of the offices of the Commission, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (5) Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the public utility 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.
- (6) 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 a settlement conference be held on January 30, 2014, at 10:00 a.m. in Hearing Room 11-A of the offices of the Commission, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215.

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/sc

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in

Case No(s). 13-2216-TP-CSS

Summary: Attorney Examiner Entry schedules a prehearing settlement conference for 10:00 a.m. on 01/30/2014 at the offices of the Commission in Hearing Rm. 11-A. - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio