

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of )  
Millersville Construction, )  
 )  
 Complainant, )  
 )  
 v. ) Case No. 14-366-TP-CSS  
 )  
 Frontier North Inc., )  
 )  
 Respondent. )

ENTRY

The attorney examiner finds:

- (1) On March 3, 2014, Glenn Kreais, owner and sole proprietor of Complainant, Millersville Construction, filed a complaint in this case against Frontier North Inc. (Frontier).<sup>1</sup> Briefly summarized, the complaint asserts that Frontier intentionally misrepresented the pricing of a promotional offering involving business line and broadband service, which Complainant justifiably relied upon in accepting the offer, thereby leading Complainant to incur economic injury. Complainant asserts that he has been billed in excess of the promotional price to which he is entitled. Complainant is seeking, among other things, to have the promotional pricing Complainant relied upon reinstated, and to be reimbursed for any amounts Complainant paid which exceeded the promotional price.
- (2) The Commission's records reflect that, on March 5, 2014, the Secretary of the Commission mailed a letter to Frontier Communications. The letter purports to enclose a copy of the complaint and directs Frontier to, within 20 days after March 5, 2014, file an answer and also to serve the answer upon Complainant.

---

<sup>1</sup> The complaint was filed against Frontier Communications, Inc. In its answer, Frontier explained that its proper corporate name is Frontier North Inc. The caption contains the proper corporate name of the respondent.

- (3) On March 28, 2014, Frontier filed an answer to the complaint, as well as a motion for leave to file its answer on that date, rather than within twenty days after March 5, 2014. In support of the motion, Frontier states that it did not have actual knowledge or receipt of the complaint until March 26, 2014. Frontier alleges further that, for reasons unknown, Frontier did not receive a copy of the complaint through the United States mail, but only noticed the complaint when searching for a different matter on the Commission's website. The attorney examiner finds that, under the circumstances presented of record, Frontier's motion is reasonable and should be granted. Accordingly, Frontier's March 28, 2014, answer in this case is hereby accepted as if it had been timely filed.
- (4) In its answer, Frontier denies any wrongdoing and disputes each of the critical allegations of the complaint. Frontier states that, upon its own examination of its records and billing statements to Complainant, it finds no evidence of overbilling the complainant, except for minor charges which were reversed in January 2014. According to Frontier, Complainant's last payment for business line and broadband service was applied in August 2013, and after two disconnect notices, those services were disconnected on March 29, 2014. Frontier claims that Complainant's unpaid invoices total \$763.72. Frontier denies that it misrepresented the pricing of any promotional deal to Complainant. In its answer, Frontier states that the promotional pricing information shown on Complainant's invoices is correct. Frontier explains that the promotional pricing credit amounts which appeared on Complainant's bills differed from invoice to invoice because the lengths of the billing periods covered by each invoice varied. As part of its answer, Frontier asserts several affirmative defenses including: (1) that the complaint fails to allege any unlawful action by the respondent, and (2) that the Commission lacks jurisdiction over broadband services.
- (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 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.

- (6) Accordingly, a settlement conference shall be scheduled for June 3, 2014, at 10:00 a.m. in Conference Room 1246 in the offices of the Commission, 12th 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.
- (7) 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.
- (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 a settlement conference be held on June 3, 2014, at 10:00 a.m. in Conference Room 1246 in the offices of the Commission, 12th 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

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/24/2014 3:43:55 PM**

**in**

**Case No(s). 14-0366-TP-CSS**

Summary: Attorney Examiner Entry scheduling a prehearing settlement conference in accordance with Finding (6). - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio