

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Cincinnati Bell Telephone Company LLC,)	
)
Complainant,)	
)
v.)	Case No. 14-1576-TP-PWC
)
The Village of Batavia, Ohio,)	
)
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On September 9, 2014, Cincinnati Bell Telephone Company LLC (CBT) filed a complaint pursuant to R.C. 4939.06 and R.C. 4905.26 stating that it does not accept Ordinance No. 1284-13, which was adopted by the Village of Batavia, Ohio (Batavia) 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 December 2, 2013. Batavia filed its answer on September 30, 2014, which denied the material aspects of the complaint.
- (2) By Entry issued on October 15, 2014, the Commission determined that CBT had provided reasonable grounds for complaint and suspended the public way ordinance as to CBT for the duration of the Commission's consideration of the complaint.
- (3) Also on October 15, 2014, the attorney examiner issued an 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 R.C. 4939.06(A).
- (4) On October 23, 2014, Batavia filed a motion seeking to extend the dates for the filing of testimony and the hearing. In support of its motion, Batavia submits that its prime

contact and witness in this matter is presently unavailable due to a health issue. Additionally, Batavia notes that counsel's schedule, as set prior to the October 15, 2014 Entry, is such that counsel will be unable to adequately prepare for the hearing. Batavia avers that these issues will directly limit the ability of Batavia to engage in meaningful settlement discussions prior to the hearing. Recognizing the 120-day timeframe set forth in R.C. 4939.06(A), Batavia is agreeable to extending the time by which the Commission may issue a final order in this matter. Counsel for Batavia submits that he has discussed these issues with CBT's counsel and that CBT's counsel does not object to the request for an extension. Accordingly, an expedited ruling pursuant to Ohio Adm.Code 4901-1-12 may be issued.

- (5) The attorney examiner finds that Batavia' unopposed motion to continue the dates for the filing of testimony and the hearing is reasonable and should be granted. Accordingly, the revised schedule for the filing of testimony and the hearing is as follows:
 - (a) November 21, 2014 - Direct testimony (expert or otherwise) due;
 - (b) December 3, 2014 - The hearing is rescheduled to 10:00 a.m. at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215-3793.
- (6) Additionally, the attorney examiner is rescheduling the telephonic status/prehearing conference for November 17, 2014, at 10:00 a.m. At that time, the parties should call the Commission at 866-209-2820 and enter conference code 3683530645.

It is, therefore,

ORDERED, That the dates for the filing of testimony and the hearing in this matter be continued and rescheduled in accordance with finding (5). It is, further,

ORDERED, That the telephonic conference be rescheduled in accordance with finding (6). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Jeffrey R. Jones

By: Jeffrey R. Jones
Attorney Examiner

SEF/dah

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in

Case No(s). 14-1576-TP-CSS

Summary: Attorney Examiner Entry that the dates for the filing of testimony and the hearing in this matter be continued and rescheduled in accordance with finding (5); and that the telephonic conference be rescheduled in accordance with finding (6); electronically filed by Debra Hight on behalf of Jeffrey R. Jones, Attorney Examiner.