

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) By Entry issued on October 27, 2014, the attorney examiner granted a motion filed by Batavia seeking to extend the dates for the filing of testimony and the hearing. Additionally, the attorney examiner rescheduled a telephonic status conference for November 17, 2014.
- (4) On November 20, 2014, Batavia filed a motion for a continuance of the testimony due date and the hearing in this matter. In support, Batavia asserts that additional counsel has

been retained in order to represent Batavia in this matter. New counsel now requests further extension of the date for testimony and hearing in order to properly prepare for hearing and to engage in meaningful settlement discussions. Batavia does not object to continued suspension of Ordinance No. 1284-13 during this requested extension. Batavia asserts that counsel for CBT does not object to this continuance and waives any claim for failure to resolve the complaint within 120 days so long as the suspension remains in place. Batavia recommends a proposed modified schedule for testimony, expert or otherwise, to be due on January 30, 2015, and a hearing on February 23, 2015.

- (5) The attorney examiner finds that Batavia's 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) January 30, 2015 - Direct testimony (expert or otherwise) due;
 - (b) February 23, 2015 - 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.

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 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/vrm

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in

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

Summary: Attorney Examiner Entry stating that the dates for the filing of testimony and the public hearing be rescheduled in accordance with finding (5); electronically filed by Vesta R Miller on behalf of Jeffrey R. Jones, Attorney Examiner, Public Utilities Commission of Ohio