

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of James)	
Anderson,)	
)	
Complainant,)	
)	
v.)	Case No. 14-1299-TP-CSS
)	
Frontier Communications Inc.,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) By Entry issued April 9, 2015, a hearing that had been previously scheduled in this case was cancelled because the attorney examiner was informed that Complainant was experiencing temporary health/mobility issues that would prevent his attendance at the scheduled hearing. The Entry indicated that a new hearing would be scheduled by a separate, future entry.
- (2) After repeated unsuccessful attempts to contact Complainant for purposes of scheduling a new hearing date, the attorney examiner, by Entry issued July 28, 2015, directed Complainant to file a letter indicating whether he intends to proceed further in the prosecution of his complaint and, if so, to identify at least three specific proposed hearing dates when he would be available and would intend to attend a hearing.
- (3) On August 24, 2015, Complainant filed a letter requesting that the hearing be scheduled for either November 4th, November 11th, or November 18th of 2015, and also requesting that, in any event, the scheduled hearing begin at either noon or 1:00 p.m.
- (4) The attorney examiner finds that this case should be scheduled for hearing on November 4, 2015, at 12:00 p.m., at

the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11D, Columbus, Ohio 43215-3793.

- (5) All discovery requests should be conducted in accordance with Ohio Adm.Code 4901-16 to 4901-1-24.
- (6) Any party intending to present direct, expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(1)(h), which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to commencement of the hearing.
- (7) 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).
- (8) A settlement conference occurred in this case on October 10, 2014; however, the parties have not yet formalized any document indicating that they have reached a resolution of the matters in dispute in this case. Nevertheless, both parties have apprised the attorney examiner that they would appreciate having a continued opportunity to explore the possibility of settling this case in the context of another mediated settlement teleconference.
- (9) Upon consultation with the parties, the attorney examiner finds that this matter should be scheduled for another settlement teleconference. The purpose of the settlement teleconference 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.
- (10) Accordingly, a settlement teleconference shall be scheduled for October 6, 2015, at 10:00 a.m. At that time, in order to participate in the teleconference, parties shall dial the following toll-free number, (866) 209-2820, and then enter 9781140448.

It is, therefore,

ORDERED, That, in accordance with finding (4), a hearing is hereby scheduled for November 4, 2015, and such hearing will occur as scheduled unless the parties reach a settlement and advise the attorney examiner of that settlement prior to that scheduled hearing. It is, further,

ORDERED, That a prehearing settlement teleconference is hereby scheduled for October 6, 2015, at 10:00 a.m. in accordance with finding (10). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/dah

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in

Case No(s). 14-1299-TP-CSS

Summary: Attorney Examiner Entry that schedules both a prehearing settlement teleconference and a hearing in this case. The hearing will occur as scheduled unless the parties reach a settlement and advise the attorney examiner of that settlement prior to the scheduled hearing; electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.