

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Northeast)
Ohio Neighborhood Health Services, Inc.,)
)
Complainant,)
)
v.) Case No. 15-325-TP-CSS
)
Cavalier Telephone Corp. d/b/a)
Windstream Communications,)
)
Respondent.)

ENTRY

The Commission finds:

- (1) Pursuant to R.C. 4927.21, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, or unjustly discriminatory.
- (2) Cavalier Telephone Corp. d/b/a Windstream Communications (Windstream) is a telephone company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.
- (3) On February 13, 2015, NorthEast Ohio Neighborhood Health Services, Inc. (NEON or Complainant) filed a complaint against Windstream for continuing to bill after the termination of a contract for voice and data services. The Complainant alleges that it paid the monthly invoices in error and now seeks to recover the overpayments and incidental costs.
- (4) On March 5, 2015, Windstream filed an answer and a motion to dismiss. In its answer, Windstream denied the material allegations of the complaint.

- (5) By Entry issued March 16, 2015, the attorney examiner scheduled this matter for a settlement conference to occur on April 14, 2015.
- (6) After the settlement conference, NEON filed a motion for default judgment and sanctions for failure of a corporate representative of Windstream to appear at the settlement conference.
- (7) On May 19, 2015, June 16, 2015, July 22, 2015, and August 27, 2015, the parties jointly moved to extend the time for Windstream to respond to NEON's motion. The parties explained that they wished to direct their efforts exclusively toward negotiating a resolution of the complaint. The attorney examiner granted the motions.
- (8) On September 2, 2015, NEON voluntarily withdrew its motion for sanctions.
- (9) By Entry issued September 25, 2015, the attorney examiner scheduled a settlement conference to take place on October 21, 2015. The settlement conference took place as scheduled.
- (10) On November 5, 2015, the parties filed a joint motion to dismiss the complaint with prejudice. The parties explain that they have settled all issues raised by the complaint.
- (11) The parties have stated good cause to dismiss the complaint. Accordingly, the joint motion to dismiss the complaint with prejudice should be granted.

It is, therefore,

ORDERED, That, in accordance with finding (11), the joint motion to dismiss the complaint with prejudice be granted. *It is, further,*

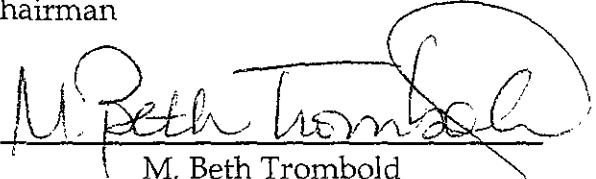
ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

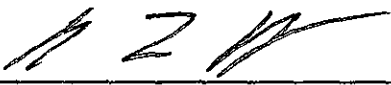


Andre T. Porter, Chairman

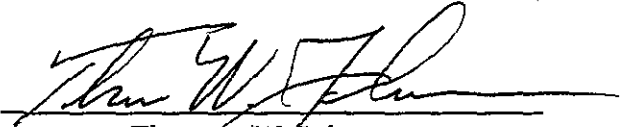
Lynn Slaby



M. Beth Trombold



Asim Z. Haque

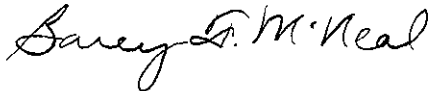


Thomas W. Johnson

LDJ/vrm

Entered in the Journal

DEC 02 2015



Barcy F. McNeal
Secretary