

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
WILLIAM M. HEYMAN,

COMPLAINANT,

v.

CASE NO. 15-1906-TP-CSS

FRONTIER COMMUNICATIONS, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on October 12, 2016

I. SUMMARY

{¶ 1} The Commission dismisses the complaint for lack of prosecution.

II. DISCUSSION

{¶ 2} On November 12, 2015, William M. Heyman (Complainant) filed a complaint against Frontier Communications, Inc. (Frontier), alleging that Frontier failed to mark its telephone lines properly and that the lines were damaged when the Complainant excavated near his rental property. The Complainant, among other things, demanded that Frontier fill in the excavation site.

{¶ 3} On December 28, 2015, and as amended on January 14, 2016, Frontier filed an answer which included a motion to dismiss the complaint.

{¶ 4} Pursuant to an Entry issued April 21, 2016, a settlement conference took place on April 28, 2016. The parties did not reach an agreement.

{¶ 5} On June 16, 2016, the attorney examiner issued an Entry that listed the issues raised by the Complainant. The attorney examiner directed the Complainant to file by June 30, 2016, a statement that identifies the requests or issues that remain to be decided by the Commission.

{¶ 6} The Complainant did not respond to the attorney examiner's request for a statement of issues.

{¶ 7} On July 13, 2016, the attorney examiner granted the Complainant another opportunity to file a statement of issues. The attorney examiner warned that if the Complainant did not file a statement by July 27, 2016, the attorney examiner would recommend to the Commission that the complaint should be dismissed for lack of prosecution.

{¶ 8} The Complainant did not respond to the attorney examiner's second request for a statement of issues.

{¶ 9} The Commission finds that the complaint should be dismissed for lack of prosecution. The attorney examiner granted the Complainant two opportunities to assert any unresolved claims. The Complainant failed to avail himself of the opportunities. Because the Complainant has failed to demonstrate any intent to prosecute this action, the complaint should be dismissed.

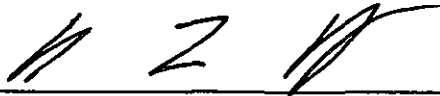
III. ORDER

{¶ 10} It is, therefore,

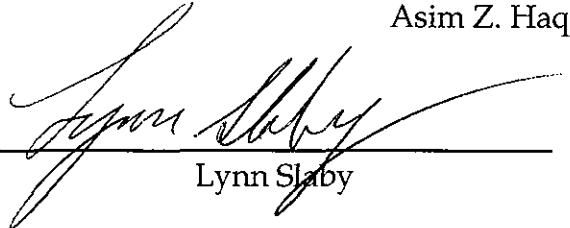
{¶ 11} ORDERED, That the complaint be dismissed, without prejudice, for lack of prosecution. It is, further,

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

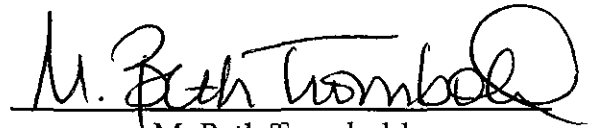
THE PUBLIC UTILITIES COMMISSION OF OHIO



Asim Z. Haque, Chairman



Lynn Slaby



M. Beth Trombold



Thomas W. Johnson

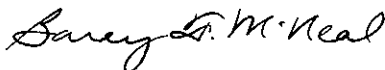


M. Howard Petricoff

LDJ/vrm

Entered in the Journal

OCT 12 2018



Barcy F. McNeal
Secretary