

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF THE
OHIO BELL TELEPHONE COMPANY D/B/A
AT&T OHIO,**

COMPLAINANT,

v.

CASE NO. 17-291-AU-PWC

CITY OF SPRINGFIELD, OHIO,

RESPONDENT.

ENTRY

Entered in the Journal on April 19, 2017

{¶ 1} On February 2, 2017, the Ohio Bell Telephone Company d/b/a AT&T Ohio (AT&T Ohio) filed a complaint pursuant to R.C. 4939.06 and 4905.26 stating that the ordinance embodied in Chapter 901 by the city of Springfield, Ohio (Springfield), with respect to public way fees, is unlawful.

{¶ 2} On February 21, 2017, Springfield filed an answer in which asserted that its ordinance is lawful and that the Commission does not have jurisdiction.

{¶ 3} In an Entry issued March 29, 2017, the Commission found that AT&T Ohio had stated reasonable grounds for complaint. The Commission, therefore, suspended the public way ordinance as to AT&T Ohio for the duration of the Commission's consideration of the complaint.

{¶ 4} On March 30, 2017, the attorney examiner issued an Entry scheduling a telephone conference for April 3, 2017. During the telephone conference, the parties agreed to waive the 120-day time constraint in R.C. 4939.06(A) and proposed the following schedule:

Complete discovery	May 10, 2017
Profile testimony	May 24, 2017

Hearing	June 1, 2017
Briefs due	June 12, 2017
Reply briefs due	June 19, 2017

{¶ 5} As scheduled above, the hearing in this matter shall take place on Thursday, June 1, 2017, at 10:00 a.m. in Hearing Room 11-D, 11th floor, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 6} In the event that any motions are made in this case, any memoranda contra shall be required to be filed within seven calendar days after the service of such motions, and any reply memoranda within four calendar days after the service of memoranda contra. Ohio Adm.Code 4901-1-07(B), which permits three additional days to take action if service is made by mail, will not apply. The parties are encouraged to take advantage of Ohio Adm.Code 4901-1-05(D), which provides that service of pleadings may occur by facsimile transmission or electronic message.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-17, discovery may begin immediately after a proceeding is commenced. To complete discovery by May 10, 2017, the parties should agree to shorten the response time that is provided in the rules. To expedite the process, discovery requests and replies shall be served by hand delivery, facsimile transmission, or electronic message. It is recommended that an attorney serving a discovery request attempt to contact the attorney upon whom the discovery request will be served in advance to advise that a request will be forthcoming.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That a hearing be scheduled for June 1, 2017, at 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, further,

{¶ 10} ORDERED, That the parties comply with the directives set forth in paragraphs (6) and (7). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ L. Douglas Jennings

By: L. Douglas Jennings
Attorney Examiner

jrj/vrm

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Case No(s). 17-0291-AU-PWC

Summary: Attorney Examiner Entry setting procedural schedule and June 1, 2017, hearing; electronically filed by Vesta R Miller on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio