

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
OFFICIAL INVESTIGATIONS, INC.,**

COMPLAINANT,

v.

CASE No. 17-1469-TP-CSS

**CINCINNATI BELL TELEPHONE COMPANY
LLC,**

RESPONDENT.

ENTRY

Entered in the Journal on July 21, 2017

{¶ 1} Pursuant to R.C. 4927.21, the Commission has authority to consider written complaints filed against a telephone company by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the telephone company that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 2} Respondent, Cincinnati Bell Telephone Company LLC (CBT), is a telephone company as defined in R.C. 4905.03 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On June 19, 2017, Official Investigations Inc. (Complainant or Official Investigations) filed a complaint against CBT. The complaint alleges, among other things, that:

- (a) Charged Complainant for services that it failed to provide.
- (b) Failed to provide Complainant timely and adequate repair service.
- (c) Breached its services contract with Complainant.

- (d) Failed to make available to Complainant any service representatives in the United States who could respond to Complainant's service issues.
- (e) Shut off Complainant's e-mail accounts and internet service in a retaliatory response to Complainant's filing of complaints.
- (f) Told Complainant that Complainant's e-mails, received on long held email service accounts, could not be recovered.

{¶ 4} CBT filed its answer on July 6, 2017. Respondent believes that the complaint relates to a distinctive ring service issue that, according to CBT, was reported to and repaired by CBT during the second half of January 2017. Beyond providing this explanation, in its answer, Respondent denies each of the allegations of the complaint and sets forth several affirmative defenses.

{¶ 5} The attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statements 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. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 6} Accordingly, a settlement conference shall be scheduled for August 9, 2017, at 10:00 a.m., at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. If a settlement is not reached at the conference, the

attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-26(F) the representatives of the public utility shall investigate the issues raised on the complaint prior to the settlement conference, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the authority to settle those issues.

{¶ 8} 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).

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a settlement conference be scheduled for August 9, 2017, at 10:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. It is, further,

{¶ 11} 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

GAP/dah

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in

Case No(s). 17-1469-TP-CSS

Summary: Attorney Examiner Entry ordering a settlement conference be held on August 9, 2017, at 10:00 a.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. Entry electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.