

**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 September 13, 2017

**I. SUMMARY**

{¶ 1} The Commission dismisses the complaint at the request of the parties pursuant to an agreed settlement of the issues raised in the complaint.

**II. DISCUSSION**

{¶ 2} Pursuant to R.C. 4939.06, the Commission has authority to consider a complaint filed by a public utility to appeal a public way fee levied against it by a municipal corporation. The complaint is subject to the same procedures as a complaint filed pursuant to R.C. 4905.26.

{¶ 3} The Ohio Bell Telephone Company d/b/a AT&T Ohio (AT&T Ohio) is a telephone company and a public utility as defined in R.C. 4905.03 and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} On February 2, 2017, AT&T Ohio filed a complaint against the city of Springfield, Ohio (Springfield or Respondent) pursuant to R.C. 4905.26 and 4939.06. In the complaint, AT&T Ohio challenged the public way fees appearing in Chapter 901 of the Respondent's ordinances.

{¶ 5} On February 21, 2017, Springfield filed an answer to the complaint in which it denied the material allegations of the complaint.

{¶ 6} On March 8, 2017, Springfield filed a motion to dismiss the complaint. Springfield challenged the timeliness of the complaint, the constitutionality of R.C. Chapter 4939, and the Commission's jurisdiction.

{¶ 7} On March 29, 2017, AT&T Ohio filed a memorandum contra the Respondent's motion to dismiss the complaint.

{¶ 8} By Entry issued March 29, 2017, the Commission found that AT&T Ohio established reasonable grounds for complaint. Accordingly, the Commission suspended the public way fee, as applied to AT&T Ohio, pursuant to R.C. 4939.06(B).

{¶ 9} On March 30, 2017, the attorney examiner issued an Entry, which among other things scheduled a hearing for April 21, 2017.

{¶ 10} R.C. 4939.06(A) compels the Commission to act to resolve a complaint by issuing a final order within 120 days after the date of the filing of the complaint. In an April 3, 2017, telephone conference, the parties agreed to waive the 120-day time constraint.

{¶ 11} By Entry issued April 19, 2017, the attorney examiner revised the procedural schedule and set the hearing for June 1, 2017.

{¶ 12} Prior to the scheduled hearing, the parties advised the attorney examiner that they wished additional time to pursue settlement. They requested that the hearing be continued to a later date. Upon consultation with the parties, the attorney examiner issued an Entry on May 30, 2017, revising the procedural schedule and setting the hearing for August 30, 2017.

{¶ 13} On August 16, 2017, the parties notified the Commission that they reached an amicable settlement of the issues. They, therefore, request that the case be dismissed.

{¶ 14} The Commission finds that the parties' request to dismiss the complaint is reasonable and should be granted.

### III. ORDER

{¶ 15} It is, therefore,

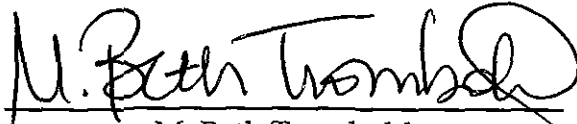
{¶ 16} ORDERED, That the parties' request to dismiss the complaint be granted. It is, further,

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

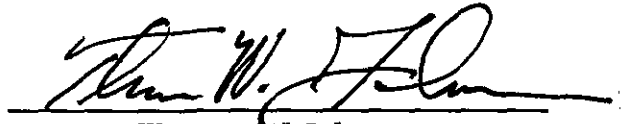
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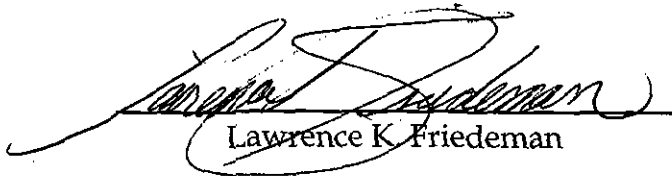
Asim Z. Haque, Chairman



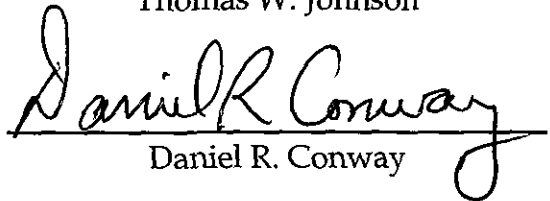
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman

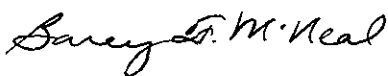


Daniel R. Conway

LDJ/vrm

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**SEP 13 2017**



Barcy F. McNeal  
Secretary