

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
KENNETH B. LOGAN,**

COMPLAINANT,

v.

CASE NO. 17-1947-TP-CSS

TWC/SPECTRUM

RESPONDENT.

ENTRY

Entered in the Journal on September 13, 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} On September 6, 2017, Kenneth B. Logan (Mr. Logan or Complainant) filed a complaint against TWC/Spectrum (TWC). In the complaint, Mr. Logan indicates that TWC has been engaged in trying, and is using certain collection agencies, to collect from Complainant a debt that Complainant claims he never legally incurred, for a service that, according to Complainant, TWC never provided to him. According to the complaint, Complainant is seeking to have TWC “drop all charges,” and “a letter from TWC acknowledging the fact that all bills and charges are paid in full.”

{¶ 3} Ohio Adm.Code 4901-9-01(B) states that all complaints filed under R.C. 4927.21 shall contain the name of the public utility company complained against, and also a statement that clearly explains the facts which constitute the basis of a complaint. These requirements have not, so far, been complied with in this case. It is not clear from the face of the complaint, as filed, whether the named person or entity against whom the complaint has been brought is a public utility or telephone company over whom the Commission has

jurisdiction with regard the matters complained of. Moreover, it is not clear from the complaint, as filed, whether the alleged action(s), service(s), or service charge(s) being complained about are, themselves, matters within the Commission's subject matter jurisdiction. For this reason, it will be necessary for Complainant to amend the complaint and provide additional information before this complaint can proceed as a formal complaint brought under R.C. 4927.21, against a public telephone company subject to the Commission's jurisdiction.

{¶ 4} Ohio Adm.Code 4901-9-01(B) states that "the public utility complained against shall file its answer within twenty days [after the complaint is mailed to it] * * * or such period of time as directed by * * * [among others] an attorney examiner." In this case, the attorney examiner finds that, because the Commission's jurisdiction over both the person or entity complained against as well as over the facts as alleged has not yet been clearly stated by Complainant, the time period for the filing of an answer in this case shall be waived, for now, and will be established by an entry to be issued in the future. Such an entry will be issued only after the complaint is amended with the information outlined in Paragraph 6.

{¶ 5} Ohio Adm.Code 4901-9-01(A) also indicates that, in certain instances, even after a formal complaint has been filed, the Commission's legal department may refer the complaint to the Commission's call center for an opportunity to resolve the issue before formally proceeding with the complaint. The attorney examiner finds it appropriate to, at this time, before otherwise formally proceeding, refer the complaint in this case to the Commission's call center for the opportunity of seeing whether it can be resolved informally within the next sixty days.

{¶ 6} In the meantime, Complainant shall have until November 12, 2017, formally to amend his complaint in such a way as to both: (a) clearly identify the person or entity complained against; and, (b) identify the alleged action(s), service(s), service charge(s), or any other matters being complained about.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That TWC's obligation to file an answer is deferred in accordance with Paragraph 4. It is, further,

{¶ 9} ORDERED, That Mr. Logan shall, by no later than November 12, 2017, amend the complaint in the manner outlined in Paragraph (6). It is, further,

{¶ 10} ORDERED, That the complaint in this case is hereby referred to the Commission's call center for the purpose of providing opportunity for seeing whether it can be resolved informally within the next sixty days. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon each party and interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/sc

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in

Case No(s). 17-1947-TP-CSS

Summary: Attorney Examiner Entry directing the Complainant to amend the Complaint and, in the meantime, refers the Complainant to the Commission's Call Center for further opportunity to resolve. - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio