

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
BIZCORP, LLC,**

**COMPLAINANT,**

**v.**

**CASE NO. 18-1123-TP-CSS**

**WINDSTREAM,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on August 14, 2018

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 2} Respondent, Windstream, is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On July 13, 2018, Bizcorp, LLC (Bizcorp or Complainant) filed a complaint against Windstream. The complaint alleges, among other things, that Windstream has engaged in unfair business practices that have resulted in a billing dispute between the parties. Two events are identified around which Bizcorp asserts the complaint is centered: (a) an alleged improper cancellation by Windstream of a Bizcorp number porting order; and (b) an alleged improper cancellation of a service disconnection order affecting Bizcorp, placed by a third party whose authority to make service changes on Bizcorp's behalf remains a matter of dispute between the parties. Bizcorp alleges that it has been erroneously billed in an amount that exceeds \$26,000 and, in bringing this complaint, seeks a reconciliation of the billing dispute that exists between the parties.

{¶ 4} On August 2, 2018, Windstream filed its answer to the complaint. Other than to admit that Bizcorp was its customer and that Bizcorp's service was properly disconnected for nonpayment of amounts due, effective November 20, 2016, Windstream denies, or denies for lack of knowledge, all remaining allegations of the complaint. Windstream, in its answer, 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 30, 2018, at 10:00 a.m., at the Commission offices, 180 East Broad Street, 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. All parties should register at the lobby desk and proceed to the 11th floor in order to participate in the settlement conference.

{¶ 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 30, 2018, at 10:00 a.m., at the Commission offices, 180 East Broad Street, 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 Fullin

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By: Daniel E. Fullin  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 18-1123-TP-CSS**

Summary: Attorney Examiner Entry scheduling settlement conference for 08/30/2018 in accordance with Paragraph 6 - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio