

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
WENDY VON BLUM,**

COMPLAINANT,

CASE NO. 18-1556-TP-CSS

v.

TDS TELECOM,

RESPONDENT.

ENTRY

Entered in the Journal on December 5, 2018

{¶ 1} The Commission has statutory authority, under R.C. 4905.26 and/or R.C. 4927.21, to consider written complaints filed by any person or corporation against any public utility or telephone company that it regulates if the filed complaint alleges that any rate, service, regulation, or practice relating to any service furnished by the public utility or by the telephone company is, in any respect, unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 2} On October 16, 2018, Wendy Von Blum (Complainant) filed a complaint in this case alleging that an entity identified variously in the complaint as “TDS phone company” and as “TDS,” damaged Complainant’s property in several ways, causing Complainant, in response, to hand-deliver a note.

{¶ 3} On November 9, 2018, TDS Telecom filed an answer to the complaint, along with a motion requesting that such answer shall be considered as timely filed. In support of its motion, TDS Telecom describes the following circumstances:

After an underground cable in the public right of way was moved at the request of governmental officials, the complainant raised concerns with TDS regarding alleged damage to her property.

Representatives of TDS and the contractor that performed the work giving rise to the alleged damage investigated the claim and found no damages. Apparently . . . not satisfied with the response of TDS, the Complainant filed . . . the complaint [in this case].

{¶ 4} In its answer, TDS Telecom denies all of the allegations of the complaint and sets forth several affirmative defenses.

{¶ 5} The attorney examiner, upon his own motion, pursuant to Ohio Adm.Code 4901-9-01(B), finds that the time period for the filing of an answer in this case should be extended to November 9, 2018. Thus, TDS Telecom's answer in this case, filed on that date, shall be accepted as timely filed.

{¶ 6} 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 of this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26(E), any statement 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 either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 7} Accordingly, a settlement conference shall be scheduled for December 19, 2018, at 10:00 a.m., at the Commission offices, 180 East Broad Street, Columbus, Ohio 43215. All parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the settlement conference. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues, including discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 8} All parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

{¶ 9} As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a settlement conference be scheduled for December 19, 2018, at 10:00 a.m. at the Commission offices pursuant to Paragraph 7. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 18-1556-TP-CSS

Summary: Attorney Examiner Entry scheduling settlement conference for 12/19/2018 in accordance with Paragraph 7 - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio