

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**Petition of Communications Workers of America for a Public, )  
On-the-Record Commission Investigation of the Adequacy ) Case No. 19-1314-TP-CSS  
And Reliability of Service Provided by AT&T Services, Inc. )**

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**ANSWER OF AT&T OHIO**

The Ohio Bell Telephone Company (“AT&T Ohio”)<sup>1</sup> hereby submits its Answer and Affirmative Defenses in response to the Complaint of the Communications Workers of America (“CWA”) and states as follows:

1. AT&T Ohio admits that CWA is the authorized bargaining representative for various AT&T entities in Ohio. AT&T Ohio denies that CWA is a customer at the CWA office located at 20525 Center Ridge Rd in Rocky River, Ohio.

2. Admit.

3. Neither admit nor deny, as no response is called for.

4. Neither admit nor deny, as no response is called for.

5. Admit that AT&T Ohio is a local exchange carrier that provides service in Ohio.

6. AT&T Ohio is without sufficient knowledge or information to form a belief as to the truth of this allegation.

7. AT&T Ohio is without sufficient knowledge or information to form a belief as to the truth of this allegation.

8. Neither admit nor deny, as no response is called for.

9. Deny.

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<sup>1</sup> The Ohio Bell Telephone Company is a public utility in Ohio and provides certain regulated and non-regulated services. The Ohio Bell Telephone Company uses the name AT&T Ohio. The Complaint is against "AT&T Services, Inc." – an entity that does not provide telecommunications services in Ohio.

10. Neither admit nor deny as O.R.C. § 4927.02(A)(1) speaks for itself.
11. Neither admit nor deny as O.R.C. § 4927.08(A) speaks for itself.
12. Neither admit nor deny as O.R.C. § 4927.21(A) speaks for itself.
13. Neither admit nor deny as O.R.C. §§ 4927.21(B) and 4927.19(A)-(B) speak for themselves.
14. Neither admit nor deny as O.R.C. § 4927.21 speaks for itself.
15. Deny.
16. Admit that the AT&T Code of Business Conduct imposes restrictions on an employee's ability to publicly disclose certain AT&T information. Deny the remaining allegations.
17. AT&T Ohio denies gross neglect of its facilities. As to the specific examples alleged in 17.1 through 17.25, AT&T Ohio denies that the situations shown in the photos were service-affecting or that they jeopardized public safety. Responding further, AT&T Ohio states that the facilities shown in 17.1-17.24 are AT&T Ohio facilities. AT&T Ohio has been unable to locate the facilities shown in 17.25 (no address given in the Complaint), despite making several attempts to do so.
18. Deny.
19. Deny.
20. Admit that customers have filed informal complaints with the Commission regarding service issues. Deny the remaining allegations.
21. This asserts a legal conclusion and a prayer for relief to which no response is required. AT&T Ohio further states that there is no reason to initiate an investigation of the

AT&T Ohio network or to conduct an audit of AT&T Ohio's records and physical plant.

Likewise, there is no basis to order any remedial action or to assess any forfeitures.

22. This asserts a prayer for relief to which no response is required. AT&T Ohio further states that there is no reason to conduct a financial analysis of AT&T Ohio's copper network over the past 10 years.

23. AT&T Ohio denies that there are any grounds for an injunction, or that the Commission has the jurisdiction to issue an injunction concerning AT&T Ohio's employment policies and practices that are governed by labor and employment law.

24. Deny.

25. AT&T Ohio is without sufficient knowledge or information to form a belief as to the truth of the allegation that employees fear reprisal and retaliation.

26. AT&T Ohio denies that there are any grounds for an injunction or that the Commission has the jurisdiction to issue an injunction concerning AT&T Ohio's employment policies and practices that are governed by labor and employment law.

27. AT&T Ohio denies that the Commission has the jurisdiction to issue an injunction concerning AT&T Ohio's employment policies and practices.

As for the "Prayer for Relief", AT&T Ohio denies that CWA is entitled to any of the relief requested.

### **AFFIRMATIVE DEFENSES**

1. The Complaint fails to name a proper party in that "AT&T Services" does not provide basic local exchange services or telecommunications services in Ohio.

2. The Complaint fails to state a claim upon which relief can be granted because there has been no violation of Ohio law or any rules of the Commission.

3. The Complaint fails to state reasonable grounds as required by Ohio Revised Code § 4927.21.

4. The Complaint concerns, in part, internet services that under Ohio law are not regulated by the Commission. The Commission has no jurisdiction over this service and therefore the Complaint fails to state a cause of action upon which relief can be granted with respect to internet access services.

5. The Complaint concerns employment relations issues that are governed by labor and employment law and, to that extent, are beyond the jurisdiction of the Commission and/or are preempted by employment laws that govern the relationship of AT&T Ohio and the CWA.

WHEREFORE, having fully answered, Respondent AT&T Ohio respectfully requests that the Complaint be dismissed, with prejudice.

Dated: July 2, 2019

Respectfully Submitted,

AT&T Ohio

/s/ Mark R. Ortlieb

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(willing to accept service by email)

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served this 2nd day of July 2019 by U.S. Mail and/or electronic mail on the parties shown below.

/s/ Mark R. Ortlieb

Mark R. Ortlieb

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Summary: Answer Answer of AT&T Ohio electronically filed by Mr. Mark R Ortlieb on behalf of Ohio Bell Telephone Company and AT&T Ohio