

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Stephanie Matheney,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 19-1933-TP-CSS
	)	
United Telephone Company of Ohio	)	
d/b/a CenturyLink,	)	
	)	
Respondent.	)	
	)	

**UNITED TELEPHONE COMPANY OF OHIO D/B/A CENTURYLINK'S  
MOTION TO DISMISS**

Now comes United Telephone Company of Ohio d/b/a CenturyLink (“CenturyLink”) and hereby moves the Public Utilities Commission of Ohio (“Commission”), pursuant to Ohio Administrative Code 4901-1-12 and 4901-9-01, to dismiss the Complaint filed in this matter on October 22, 2019, CenturyLink requests that the Complaint be dismissed on the bases that: (1) the Commission lacks subject matter jurisdiction over the allegations raised in the Complaint, (2) the complaint fails to state reasonable grounds upon which relief may be granted, and (3) the Complaint has been satisfied. The grounds for CenturyLink’s motion are stated fully in the attached Memorandum in Support.

Respectfully submitted,



Dane Stinson (Reg. No. 0019101)  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, OH 43215-4291  
Telephone: (614) 227-2300  
dstinson@bricker.com

Attorney for CenturyLink

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Stephanie Matheney,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 19-1933-TP-CSS
	)	
United Telephone Company of Ohio	)	
d/b/a CenturyLink,	)	
	)	
Respondent.	)	
.	)	

**MEMEORANDUM IN SUPPORT**

Complainant, Stephanie Matheney, filed this Complaint on October 22, 2019. The gist of her Complaint is that Complainant believed her rates for a bundled package of internet service and telephone exchange/toll services, purchased in 2010, was “guaranteed for life,” at a price of \$49.99 per month. The pricing for Complainant’s bundled service package expired after five years, in 2015. CenturyLink has a current “Price for Life” bundled service package of internet and telephone exchange/toll services priced at \$96.99 per month, which is conditioned on the customer retaining the same plan at the same address. The Complaint asks the Commission to price this service at \$49.99. The Complaint must be dismissed because (1) the Commission lacks subject matter jurisdiction over the Complaint, (2) the Complaint fails to state reasonable grounds upon which relief may be granted, and (3) the Complaint has been satisfied.

**I. The Commission Lacks Subject Matter Jurisdiction Over the Complaint and the Requested Relief Cannot be Granted.**

Ohio Revised Code Sections 4927.01 through 4927.20 do not regulate the pricing of bundled service packages of internet service and telephone exchange/toll services. See, also, Ohio Administrative Code 4901:1-6-14(B)(5) (“A bundle or package of telecommunications

services which includes telephone exchange service is not subject to the pricing constraints contained in paragraph (C) of this rule and section 4927.12 of the Revised Code and may be priced at market-based rates.”) Thus, the Commission lacks subject matter jurisdiction over this Complaint involving the pricing of Complainant’s bundled internet service and telephone exchange/toll services. For this reason, the Complaint must be dismissed.

Similarly, Ohio Revised Code Section 4927.21(B) requires that a complaint must state reasonable grounds in order to be considered by the Commission. To state reasonable grounds, the Complaint must seek relief that the Commission may grant. Because the Complaint asks the Commission to set the price for bundled services, and the Commission lacks authority to do so, the Complaint fails to state reasonable grounds and must be dismissed.

## **II. The Complaint Has Been Satisfied.**

Complainant’s claim has been satisfied. In 2010, Complainant had purchased a Simple Choice service package that bundled internet service and telephone exchange/toll services. The pricing for the package was \$49.99 per month, which expired in 2015. Complainant filed an informal complaint with the Commission on October 13, 2015. See Informal Complaint Case SMAT100915ZQ. That informal complaint alleged the same grounds as alleged in this formal complaint, and sought to retain the pricing of \$49.99 per month for life. The Complaint was resolved when CenturyLink offered, and Complainant accepted, loyalty discounts to resolve the complaint. The loyalty discounts have now expired and CenturyLink is under no duty to continue to provide them for its market rate services.

Pursuant to a Commission rule (Ohio Administrative Code 4901-1-09(F)), the Complainant has 20 days to file a written response agreeing or disagreeing with the assertion that

this Complaint has been settled and that, if no response is filed, the Commission may presume that satisfaction or settlement has occurred and dismiss the Complaint.

WHEREFORE, for the foregoing reasons, CenturyLink respectfully requests that the Complaint be dismissed with prejudice.

Respectfully submitted,

A handwritten signature in cursive script that reads "Dane Stinson".

---

Dane Stinson (Reg. No. 0019101)  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, OH 43215-4291  
Telephone: (614) 227-2300  
dstinson@bricker.com

Attorney for CenturyLink

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing *Motion to Dismiss* has been served upon the following party by regular U.S. Mail this 26<sup>th</sup> day of November 2019.



\_\_\_\_\_  
Dane Stinson

Stephanie Matheney  
243 South Main Street  
Malta, Ohio 43758

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

**Commission of Ohio Docketing Information System on**

**11/26/2019 4:09:39 PM**

**in**

**Case No(s). 19-1933-TP-CSS**

Summary: Motion to Dismiss of United Telephone Company of Ohio d/b/a CenturyLink  
electronically filed by Teresa Orahoad on behalf of Dane Stinson