

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
MARSHALL G. HILES,**

COMPLAINANT,

v.

CASE NO. 20-84-TP-CSS

**UNITED TELEPHONE COMPANY OF OHIO
D/B/A CENTURYLINK,**

RESPONDENT.

ENTRY ON REHEARING

Entered in the Journal on May 5, 2021

I. SUMMARY

{¶ 1} The Commission grants the application for rehearing filed by Marshall Hiles for the limited purpose of further consideration of the matters specified on rehearing.

II. DISCUSSION

{¶ 2} United Telephone Company of Ohio d/b/a CenturyLink (CenturyLink) is a telephone company as defined in R.C. 4927.01 and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} On January 13, 2020, Marshall Hiles (Mr. Hiles or Complainant) filed a complaint against CenturyLink concerning problems with his telephone service during the time complained of. Mr Hiles contended that he began having problems with his telephone service in mid-2018, but formally reported the issues to CenturyLink in March 2019. Mr. Hiles claims that during the time his service was not functioning properly, he was unable to conduct business or personal affairs requiring phone service. Specifically, Mr. Hiles states that between April and October of 2019, he experienced poor telephone service, including routine fading and dropping of telephone calls. Mr. Hiles believes that he was unable to obtain a satisfactory resolution from CenturyLink, stating that speaking to various representatives did not result in repairs to his service. Mr. Hiles alleges that an employee

of CenturyLink stated that the issue did not originate from his home, but from CenturyLink's connection.

{¶ 4} On February 3, 2020, CenturyLink contemporaneously filed an answer generally denying the material allegations within the complaint and a motion to dismiss the complaint with prejudice.

{¶ 5} On March 24, 2020, both parties participated in a telephonic settlement conference that did not ultimately result in a resolution of the case.

{¶ 6} On April 2, 2020, Mr. Hiles filed a response to CenturyLink's February 3, 2020 motion to dismiss. CenturyLink filed a reply to Complainant's response on April 8, 2020.

{¶ 7} On March 24, 2021, the Commission issued a Finding and Order dismissing Mr. Hiles' complaint with prejudice due to a lack of subject matter jurisdiction and failure to state reasonable grounds for complaint.

{¶ 8} R.C. 4903.10 states that any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days after the Commission's order is journalized.

{¶ 9} On April 9, 2021, Complainant filed an application for rehearing. Mr. Hiles asserts that the Commission acted inconsistent in applying "*** its own law and [Supreme Court of Ohio] rulings ***." Additionally, Mr. Hiles claims that the Commission has rendered the Ohio Consumer Sales Practices Act meaningless.

{¶ 10} CenturyLink filed a memorandum contra the application for rehearing on April 15, 2021, asserting that Complainant's arguments do not assert new issues for the Commission's consideration and further that the Commission already fully addressed its lack of subject matter jurisdiction in the Finding and Order.

{¶ 11} The Commission finds that sufficient reason has been set forth by Mr. Hiles to warrant further consideration of the matters specified in the application for rehearing. Accordingly, the application for rehearing should be granted.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the application for rehearing filed by Complainant be granted for the limited purpose of further consideration of the matters specified on rehearing. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

JMD/mef

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Case No(s). 20-0084-TP-CSS

Summary: Entry granting the application for rehearing filed by Marshall Hiles for the limited purpose of further consideration of the matters specified on rehearing electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio