

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DONALD W. HESS,**

CASE NO. 21-724-TP-CSS

COMPLAINANT,

v.

AT&T SERVICES, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on September 23, 2021

I. SUMMARY

{¶ 1} The Commission dismisses this case on grounds that the complaint fails to set forth reasonable grounds for complaint.

II. DISCUSSION

A. *Procedural Background*

{¶ 2} Pursuant to R.C. 4927.21, the Commission has authority to consider written complaints filed against a telephone company by any person regarding any rate, service, regulation, or practice relating to any service furnished by the telephone company that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 3} Ohio Adm.Code 4901-9-01(B) directs, in part, that all complaints filed with the Commission are to be in writing and shall contain the name of the public utility complained against, a statement which clearly explains the facts which constitute the basis of the complaint, and a statement of the relief sought.

{¶ 4} On June 17, 2021, Donald W Hess (Complainant) filed with the Commission a complaint which was docketed under the above-reflected case caption. The complaint consists of one page. As filed, the complaint does not contain a statement which clearly explains the facts which constitute the basis of the complaint, and a statement of the relief

sought. The name of the person or entity against whom the complaint has been brought is not identified, but rather, is scratched out, in the caption of complaint.¹

{¶ 5} On June 24, 2021, an Entry was issued which found that, for all of the reasons explained in Paragraph 4, the complaint, as it was originally filed, does not comply with Ohio Adm.Code 4901-9-01(B). The June 24, 2021 Entry directed Complainant to file a more definite statement of his complaint by July 26, 2021. The Entry specified that, at a minimum, the more definite statement must clearly identify the name(s) of the telephone company or companies and/or the public utility or public utilities against whom the complaint is being brought. Additionally, the Entry required that, at a minimum, Complainant's more definite statement must provide a clear and concise statement of the facts underlying the complaint, as well as a description of the public utility service-related issue(s) involved. Further, the Entry required that the more definite statement should explain, in detail, what specifically happened that gives rise to this complaint and should disclose which, if any, acts or omissions on the part of the telephone companies or public utilities complained against, serves as the basis for the complaint. Finally, the Entry specified that Complainant's more definite statement should spell out the form of relief Complainant is seeking. Importantly, the Entry put Complainant on notice that his failure to file timely a more definite statement complying with the Entry's directives might lead to dismissal of his complaint.

{¶ 6} To date, Complainant has filed nothing in response to the directives of the June 24, 2021 Entry.

¹ The complaint was docketed, on June 17, 2021, with a case caption which identifies AT&T Services, Inc. as the respondent in this case. Nowhere in the complaint, as filed, however, is any reference made to AT&T Services, Inc. Consequently, the attorney examiner, in his June 24, 2021 Entry, ordered that AT&T Services, Inc., shall not be required to file an answer in this case unless and until specifically directed to do so by an entry, which would, in any event, not be issued prior to Complainant's filing of a more definite statement of the complaint complying with the directives of the June 24, 2021 Entry. Given that, to date, Complainant has failed to comply with the directives of the June 24, 2021 Entry, AT&T Services, Inc. remains under no obligation to file an answer to the complaint in this case.

B. Commission Conclusion

{¶ 7} Upon review of the record as a whole, the Commission finds that Complainant has ultimately failed to state reasonable grounds for complaint as required by R.C. 4927.21. Ohio Adm.Code 4901-9-01(B) states, in pertinent part, that complaints must contain “a statement which clearly explains the facts which constitute the basis of the complaint, and a statement of the relief sought.” We find that the complaint in this case fails to satisfy the requirements of either the rule or of the statute.

{¶ 8} It is impossible to decipher from the complaint either the facts which constitute the basis of the complaint or the relief being sought by Complainant. For that reason, Complainant was appropriately directed by Entry issued June 24, 2021, to timely file a more definite statement of the complaint and of the relief sought. The Entry made plain the parameters, mentioned in Paragraph 5, which should be met in crafting the required more definite statement.

{¶ 9} The Commission must ensure that the administrative process and the participants in that process conduct themselves in a manner that is fair and efficient. The clear and complete presentation of claims is fundamental in administrative proceedings. A complaint must be sufficiently clear and complete in its factual allegations to allow the Commission to determine matters relating to jurisdiction and reasonable grounds. In addition, factual clarity is required so that adverse parties may respond in a manner that will crystallize the issues for proper adjudication. The attorney examiner provided instructions to assist the Complainant in achieving the necessary level of clarity and completeness. Notwithstanding this additional opportunity, the Complainant has yet to establish reasonable grounds for complaint.

{¶ 10} Overall, despite providing an additional opportunity to clarify the claims alleged, we find that the complaint fails to allege sufficient facts to comply with Ohio Adm.Code 4901-9-01(B). Consequently, we find that Complainant has failed to state reasonable grounds for complaint pursuant to R.C. 4927.01. Accordingly, taking into

consideration the time and resources of the Commission, and the efficiency of the administrative process, this matter should be dismissed without prejudice.

III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That, for failure to state reasonable grounds for complaint, this matter should be dismissed without prejudice. It is, further,

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

COMMISSIONERS:

Approving:

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

DEF/kck

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Case No(s). 21-0724-TP-CSS

Summary: Entry dismissing this case on grounds that the complaint fails to set forth reasonable grounds for complaint electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio