

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING DIV
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PUCO

Beverly E. Jones,)
)
Complainant,)
)
v.)
)
SBC Ohio and Ohio Edison,)
)
Respondents.)

Case No. 05-950-AU-CSS

SBC OHIO'S MOTION TO DISMISS

SBC Ohio¹, by its attorneys and pursuant to Ohio Admin. Code §§ 4901-1-12(A) and 4901-9-01(B), moves to dismiss the captioned Complaint as to Respondent SBC Ohio for failure to set forth reasonable grounds for complaint. As summarized in the October 5, 2005 Entry, Ms. Jones believes she received an incorrect bill after subscribing to an unlimited toll calling plan. In addition, Ms. Jones alleges that she has been physically harmed by electric current running through her telephone. Entry, p. 2.

Ms Jones is mistaken that she received itemized charges for long distance service after subscribing to an unlimited toll calling plan. Rather, she was billed for intrastate and interstate directory assistance services used by the Complainant or by a person or persons who used her telephone with her express or implied permission. Those charges have been reviewed by SBC Ohio, and it has confirmed that the directory assistance charges were incurred and

¹ SBC Ohio is a registered trade name of The Ohio Bell Telephone Company.

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appropriately billed. The Complainant's "belief" that she was overcharged is not a sufficient allegation on which to form a finding that she has stated reasonable grounds for complaint under R. C. § 4905.26. Vague allegations and repeated claims are not enough to state reasonable grounds for complaint. See, *Thomas Pritchard v. AT&T Communications of Ohio, Inc. et al.*, Case No. 02-1169-TP-CSS, Entry, November 21, 2002, p. 2. In that Entry, the Commission stated:

The clear presentation of claims is fundamental in administrative proceedings. A complaint must be sufficiently clear in its factual allegations to allow the Commission to determine matters relating to jurisdiction and reasonable grounds.

Id., p. 4. This case presents the same situation. The claims are rambling and unsupported. They are based on misapprehension and mistake, not verifiable facts.

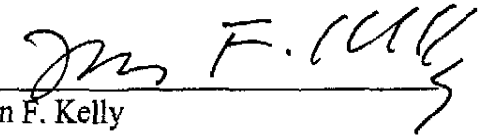
The Complaint also alleges that Ms. Jones has been physically harmed by electric current running through her telephone. This claim, too, is unsubstantiated, has no factual foundation, and is clearly the result of the Complainant's misapprehension. To the extent the Complainant seeks damages for alleged tortuous conduct or damages arising out of a public utility obligation, the Commission has no authority to award damages.

For all of the foregoing reasons, the Complaint should be dismissed as to SBC Ohio. None of the allegations are sufficient to require SBC Ohio to expend time and resources to defend against the Complaint.

Respectfully submitted,

SBC OHIO

By:



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Its Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of SBC Ohio's Motion to Dismiss has been served on the following parties by depositing it in the U. S. Mail, postage prepaid, this 25th day of October, 2005.

Mrs. Beverly E. Jones
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Jon F. Kelly