

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Sandra Ahern,)
)
 Complainant)
)
 v.) Case No. 96-462-TP-CSS
)
 GTE North Incorporated,)
)
 Respondent.)

ENTRY

The attorney examiner finds:

- (1) On May 13, 1996, as amended on June 10, 1996, and August 19, 1996, Sandra Ahern (complainant) filed a complaint against GTE North Incorporated (GTE or respondent) alleging that, upon her filing of personal bankruptcy, GTE engaged in improper billing practices including the failure to credit payments made and the issuance of inappropriate disconnection notices. In addition, the complainant states allegations against GTE which appear to represent a claim of inadequate service subsequent to the bankruptcy filing.
- (2) By Entry of September 13, 1996, the Attorney Examiner determined that the complaint submitted in this matter does state reasonable grounds. The Attorney Examiner again notes that the complainant has not specifically stated a remedy desired in relation to GTE's alleged conduct. Nevertheless, before a court of common pleas has jurisdiction to consider a claim seeking treble damages against a public utility for violation of a Commission rule or regulation, a specific public utility statute, or Commission order, there must be a finding by the Commission that such a violation has occurred. *See Milligan v. Ohio Bell Tel. Co., 56 Ohio St. 2d 191 (1976)*. The Commission's consideration of this complaint shall be limited to whether a violation of a Commission rule or regulation, a specific public utility statute, or a Commission order has been committed by GTE. The issue of damages shall not be addressed.
- (3) A settlement conference was held in this matter on October 3, 1996. Since the parties were unable to resolve their dispute

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Jean Schuyler Date Processed 10-31-96

during the settlement conference, the Commission should schedule a hearing in this matter to commence at 10:00 a.m. on Wednesday, December 18, 1996, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793.

- (4) The Secretary of the Commission should cause publication of the following legal notice to appear one time, not less than 15 days or more than 30 days prior to the hearing. Publication should be made in a section other than the legal notice section of a newspaper published and of general circulation, within Medina County, Ohio.

LEGAL NOTICE

Notice is given that a complaint has been filed with the Public Utilities Commission of Ohio (Case No. 96-426-TP-CSS) by Sandra Ahern alleging that GTE North Inc. has engaged in the provision of inadequate service, improper billing practices, including the failure to credit payments made and the issuance of improper disconnection notices. The Commission has scheduled this matter for a hearing on Wednesday, December 18, 1996, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793.

- (5) In Commission proceedings, the complainant has the burden of proving the allegations of the complaint. At the hearing, it shall be the complainant's responsibility to appear and present evidence in support of the complaint.
- (6) Any party intending to present direct expert testimony should comply with Rule 4901-1-29(A)(1)(j), O.A.C., which requires that all such testimony offered in this type of proceeding, be filed and served upon all parties no later than seven days prior to the commencement of the hearing.

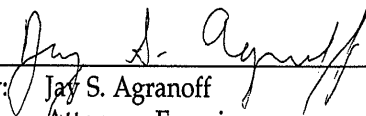
It is, therefore,

ORDERED, That this matter be scheduled for hearing in accordance with Finding (4). It is, further,

ORDERED, That all parties intending to provide direct expert testimony comply with Rule 4901-1-29(A)(1)(j), O.A.C. It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: 
Jay S. Agranoff
Attorney Examiner

/pdcc ^{PSD}

Entered in the Journal

OCT 30 1996

A True Copy


Gary C. Vigorito
Secretary