

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of )  
Trinity Transport, )  
 )  
Complainant, )  
 )  
v. ) Case No. 01-2912-TP-CSS  
 )  
Ameritech Ohio, )  
 )  
Respondent. )

ENTRY

The Commission finds:

- (1) On November 9, 2001, Fred Hurst filed, on behalf of Trinity Transport (complainant), a complaint with the Commission against Ameritech Ohio (Ameritech). The complaint alleges, among other things, that Ameritech has failed to provide adequate service; failed to install equipment or service for which the customer was charged; failed to show up for numerous service calls and damaged the complainant's premises when installing service. More specifically, the complaint asserts that he ordered an additional line to his business and was assigned telephone number (513)746-7075. For two years, the complainant asserts he paid for telephone service on (513)746-7075. Further, the complaint states that he called Ameritech three times to inform them that the service was not working and that he was told that the line tested fine. The complaint states that on the fourth occasion in which he reported the service was not working, Ameritech's technician informed him that the service had not been installed and Ameritech issued him a credit.

The complainant further states that on two occasions, the complainant inquired about the feasibility of additional lines to his business and asserts that Ameritech assured the complainant that they would install the additional lines. Subsequently, the complainant states that each time Ameritech later claimed that an engineer would need to review the facilities and perform a survey and cost analysis before the service could be installed. Further, the complainant asserts he does not have a sufficient number of telephone lines to accommodate his business; that service is frequently out of service and the telephone lines are improperly installed in the office.

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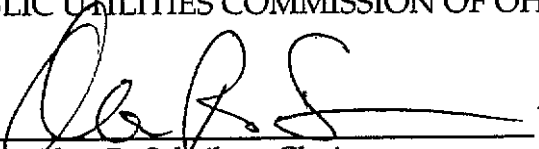
- (2) On December 3, 2001, Ameritech filed its answer to the complaint. Ameritech admits that it provides business telephone service to the complainant. Further, Ameritech admits that it billed complainant for a second line that was inoperable for two years and that it issued a credit for the inoperable line once the deficiency was discovered. Ameritech denies that it has failed to provide the complainant with adequate telephone service. Ameritech also denies, for lack of knowledge sufficient to form a belief as to the truth of the matter asserted, that the complainant's property was damaged by Ameritech's installation of telephone service. Further, Ameritech denies the other allegations of the complaint not expressly admitted.
- (3) Two settlement conferences in this matter were held on or about January 30 and on February 22, 2002.
- (4) This case was scheduled for a hearing to commence on June 11, 2002 and rescheduled twice at the complainant's request. The hearing was subsequently rescheduled to commence on August 7, 2002 and February 18, 2003.
- (5) On February 14, 2003, Ameritech filed a motion to compel discovery and a motion for a continuance of the hearing.
- (6) On February 19, 2003, the complainant filed a motion to dismiss the complaint without prejudice.
- (7) We find, in light of the complainant's request to dismiss the complaint, Ameritech's motions are moot. Further, the Commission is aware that pending a decision in this case, the complainant has allowed his business account with Ameritech to become significantly overdue. As the complainant was informed during the conferences and by entry issued May 1, 2002, the complainant may be required to enter into payment arrangements with Ameritech for any past due outstanding charges to avoid the disconnection of his telephone service. Nonetheless, the Commission finds the complainant's request to withdraw the complaint to be reasonable and should be granted.

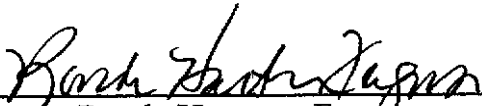
It is, therefore,


ORDERED, That this complaint is dismissed without prejudice and closed of record. It is, further,

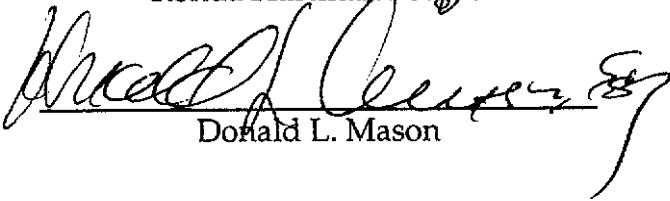
ORDERED, That a copy of this entry be served upon Trinity Transport and its counsel, Ameritech and its counsel, and all other interested persons of record.

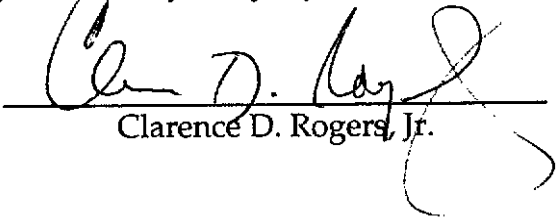
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
\_\_\_\_\_  
Alan R. Schriber, Chairman

  
\_\_\_\_\_  
Ronda Hartman-Fergus


  
\_\_\_\_\_  
Judith A. Jones

  
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Donald L. Mason

  
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Clarence D. Rogers, Jr.

GNS/vrm

Entered in the Journal  
MAR 13 2003

  
\_\_\_\_\_  
Renee J. Jenkins  
Secretary

**CASE NUMBER:** 01-2912-TP-CSS  
**CASE DESCRIPTION:** TRINITY TRANSPORT VS AMERITECH  
**DOCUMENT SIGNED ON:** 3/13/2003  
**DATE OF SERVICE:** 3-13-03

**PARTIES SERVED**

**PARTIES OF RECORD**                      **ATTORNEYS**

**COMPLAINANTS**

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