

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Mary Jo
Cusack,

Complainant,

v.

Ameritech Mobile Communications, LLC, dba
Cingular Wireless,

Respondent,

Relative to Alleged Unreasonable Provision of
Cellular Telephone Service.

Case No. 02-2185-CT-CSS

ENTRY

The Commission finds:

- (1) This complaint was filed on August 26, 2002, alleging unreasonable interruptions in cellular telephone service and improper billing for that service. In the letters comprising the complaint, Mary Jo Cusack (complainant) alleged that her cellular service with Ameritech Mobile Communications, LLC, dba Cingular Wireless (Cingular, company) was unreasonably interrupted by the company, even though payment had been remitted, and that she was subsequently improperly billed for the interrupted service.
- (2) Cingular has filed a response to the complaint. In the response, Cingular stated that, pursuant to complainant's request, it cancelled complainant's account numbers and adjusted the accounts to reflect a zero balance.
- (3) In Case No. 97-1700-TP-COI, *In the Matter of the Commission Investigation into the Alternative Regulatory Treatment of Commercial Mobile Radio Service Providers*, (Finding and Order dated December 16, 1999), the Commission reiterated its position that Commission jurisdiction extends only to the wholesale provision of commercial mobile radio service (CMRS) and that any complaints related to the provision of retail consumer CMRS should be addressed pursuant to the Consumer Sales Practices Act (CSPA). This decision continued the policy first enunciated in Case No. 84-944-TP-COI, *In the Matter of the Commission Investigation into the Regulatory Framework for Telecommunication Services in Ohio* (Finding and

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Order dated April 9, 1985). In that case, the Commission determined that the retail provision of CMRS does not constitute the provision of a regulated utility service.

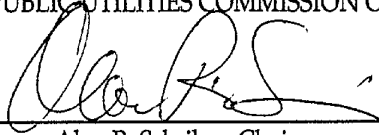
- (4) In light of the Commission's conclusions set forth in the above-noted cases, that retail CMRS providers are not regulated utilities in Ohio, we find that the Commission is without jurisdiction to address this complaint. Accordingly, the complaint should be dismissed.
- (5) As indicated previously, a complaint concerning retail CMRS service should be addressed pursuant to the CSPA. It is the Commission's understanding that the CSPA gives consumers some alternatives that are not available through Commission proceedings. Further, links to information pertaining to the CSPA are on the Commission's Docketing Department website at <http://www.puc.state.oh.us/DOCKET/lglresrch.html>.

It is, therefore,

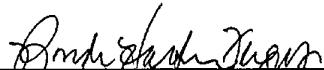
ORDERED, That Case No. 02-2185-CT-CSS be dismissed and closed of record. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



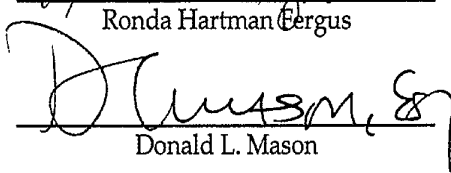
Alan R. Schriber, Chairman



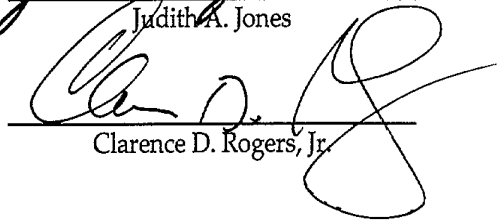
Ronda Hartman Fergus



Judith A. Jones



Donald L. Mason

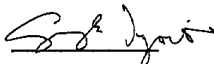


Clarence D. Rogers, Jr.

KKS/vrm

Entered in the Journal

JAN 23 2003



Gary E. Vigorito
Secretary