

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of ABC )  
Chiropractic Ltd. and Dr. Michael Brown, )  
 )  
 Complainants, )  
 )  
 v. ) Case No. 04-515-TP-CSS  
 )  
 SBC Ohio, )  
 )  
 Respondent. )

ENTRY

The Commission finds:

- (1) On April 8, 2004, ABC Chiropractic Ltd. and Dr. Michael Brown (complainants) filed a formal complaint with the Commission against SBC Ohio (SBC) alleging that delays in installation and improper installation of phone lines at complainants' business resulted in lost profits, lost existing and potential clients and the incurring of unnecessary expenses to complainants. Further, complainants refuse to pay for the phone service and installation charges because of the harm caused by SBC.
- (2) On April 29, 2004, SBC filed its answer admitting delays in the installation, but stating that it provided applicable customer billing credits. Further, SBC states its liability is limited by its tariffs to the applicable billing credits and the Commission is without jurisdiction to award damages.
- (3) A settlement conference was conducted on October 15, 2004. On October 20, 2004, the parties filed a joint request that the complaint be dismissed with prejudice because the parties had reached a resolution of the matter.
- (4) The request to dismiss should be granted.


It is, therefore,

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Technician           AP           Date Processed 11/3/04

ORDERED, That this complaint is dismissed with prejudice and the case 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



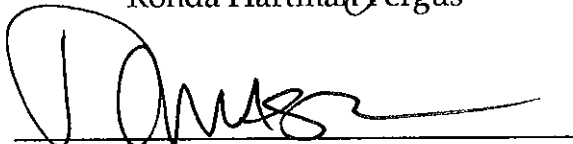
Alan R. Schriber, Chairman



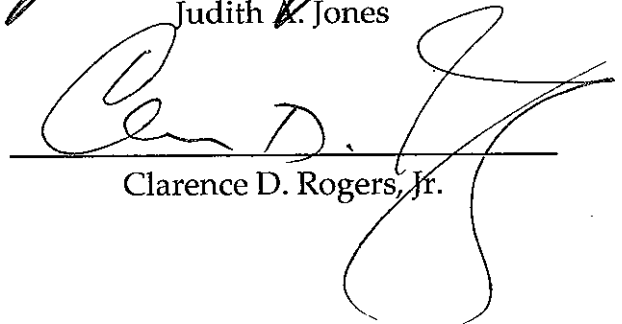
Ronda Hartman Fergus



Judith A. Jones



Donald L. Mason



Clarence D. Rogers, Jr.

APA/vrm

Entered in the Journal

NOV 3 2004



Renee J. Jenkins  
Secretary