

8

RECEIVED

SEP 19 1996

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF

OHIO DOCKETING DIVISION  
Public Utilities Commission of Ohio

James P. Woodman,  
Complainant

v.

Ameritech Ohio,

Respondent.

) Case Nos. 96-492-TP-CSS, 96-493-TP-CSS,  
) 96-494-TP-CSS, 96-495-TP-CSS, 96-496-TP-CSS,  
) 96-497-TP-CSS, 96-498-TP-CSS, 96-499-TP-CSS,  
) 96-500-TP-CSS, 96-501-TP-CSS, 96-502-TP-CSS,  
) 96-503-TP-CSS, 96-504-TP-CSS, 96-505-TP-CSS,  
) 96-506-TP-CSS, 96-507-TP-CSS, 96-508-TP-CSS,  
) 96-509-TP-CSS, 96-510-TP-CSS, 96-511-TP-CSS,  
) 96-512-TP-CSS, 96-513-TP-CSS, 96-514-TP-CSS,  
) 96-515-TP-CSS, 96-516-TP-CSS, 96-517-TP-CSS,  
) 96-518-TP-CSS, 96-519-TP-CSS, 96-520-TP-CSS,  
) 96-521-TP-CSS, 96-522-TP-CSS, 96-523-TP-CSS,  
) 96-524-TP-CSS, 96-525-TP-CSS, 96-526-TP-CSS,  
) 96-527-TP-CSS, 96-528-TP-CSS, 96-529-TP-CSS,  
) 96-530-TP-CSS, 96-531-TP-CSS, 96-561-TP-CSS,  
) 96-751-TP-CSS, 96-762-TP-CSS

Thomas Warholic, Carl N. )  
Woodman and Robert P. )  
Woodman, as Trustees of )  
WeShare, Inc., )

Complainants

v.

Ameritech Ohio,

Respondent. )

) Case Nos. 96-853-TP-CSS, 96-863-TP-CSS,  
) 96-876-TP-CSS, 96-900-TP-CSS, 96-901-TP-CSS,  
) 96-902-TP-CSS, 96-903-TP-CSS, 96-904-TP-CSS,  
) 96-905-TP-CSS, 96-906-TP-CSS, 96-907-TP-CSS,  
) 96-908-TP-CSS, 96-909-TP-CSS

---

MOTION TO DISMISS

---

Now comes Ameritech Ohio, Respondent in the above-captioned cases, and respectfully requests the issuance of an order by this Commission dismissing the complaints filed against

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 S. Watson Date Processed 9-21-96

it for failure to comply with an order of the Attorney Examiner.

A Memorandum in Support of this Motion is attached.

Respectfully submitted,

AMERITECH OHIO

By   
MICHAEL T. MULCAHY  
Its Attorney  
45 Erieview Plaza, Room 1400  
Cleveland, OH 44114  
(216) 822-3437

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

|                          |   |                                              |
|--------------------------|---|----------------------------------------------|
| James P. Woodman,        | ) | Case Nos. 96-492-TP-CSS, 96-493-TP-CSS,      |
|                          | ) | 96-494-TP-CSS, 96-495-TP-CSS, 96-496-TP-CSS, |
| Complainant              | ) | 96-497-TP-CSS, 96-498-TP-CSS, 96-499-TP-CSS, |
|                          | ) | 96-500-TP-CSS, 96-501-TP-CSS, 96-502-TP-CSS, |
| v.                       | ) | 96-503-TP-CSS, 96-504-TP-CSS, 96-505-TP-CSS, |
|                          | ) | 96-506-TP-CSS, 96-507-TP-CSS, 96-508-TP-CSS, |
| Ameritech Ohio,          | ) | 96-509-TP-CSS, 96-510-TP-CSS, 96-511-TP-CSS, |
|                          | ) | 96-512-TP-CSS, 96-513-TP-CSS, 96-514-TP-CSS, |
| Respondent.              | ) | 96-515-TP-CSS, 96-516-TP-CSS, 96-517-TP-CSS, |
|                          | ) | 96-518-TP-CSS, 96-519-TP-CSS, 96-520-TP-CSS, |
|                          | ) | 96-521-TP-CSS, 96-522-TP-CSS, 96-523-TP-CSS, |
|                          | ) | 96-524-TP-CSS, 96-525-TP-CSS, 96-526-TP-CSS, |
|                          | ) | 96-527-TP-CSS, 96-528-TP-CSS, 96-529-TP-CSS, |
|                          | ) | 96-530-TP-CSS, 96-531-TP-CSS, 96-561-TP-CSS, |
|                          | ) | 96-751-TP-CSS, 96-762-TP-CSS                 |
| Thomas Warholic, Carl N. | ) |                                              |
| Woodman and Robert P.    | ) |                                              |
| Woodman, as Trustees of  | ) |                                              |
| WeShare, Inc.,           | ) | Case Nos. 96-853-TP-CSS, 96-863-TP-CSS,      |
|                          | ) | 96-876-TP-CSS, 96-900-TP-CSS, 96-901-TP-CSS, |
| Complainants             | ) | 96-902-TP-CSS, 96-903-TP-CSS, 96-904-TP-CSS, |
|                          | ) | 96-905-TP-CSS, 96-906-TP-CSS, 96-907-TP-CSS, |
| v.                       | ) | 96-908-TP-CSS, 96-909-TP-CSS                 |
|                          | ) |                                              |
| Ameritech Ohio,          | ) |                                              |
|                          | ) |                                              |
| Respondent.              | ) |                                              |

---

MEMORANDUM IN SUPPORT

---

By Entry dated September 6, 1996, the Complainants in the above-captioned cases were ordered to file, for each case, "a verified statement indicating whether and, if so, how they hold the requisite legal authority" to represent the parties on whose behalf they have filed complaints. The filings made by the Complainants on September 12 and 13, 1996 do not meet the

requirements of the Entry.

James Woodman's filing, entitled "Motion to Amend, Motion to Strike, & Motion to Rescind," attempts to circumvent the Hearing Examiner's Entry and the plain fact that these complaints have not been brought by the customers named in the complaint. Mr. Woodman now claims that he was not acting on behalf of anyone else when he filed the complaints. If that is true, then the complaints should be dismissed since none of the customers named in the complaint have brought these actions nor is anyone representing the named customers.

The WeShare Trustees' filing, entitled "Motions to Amend and Motion to Rescind," directly challenges and ignores the Hearing Examiner's Entry. The WeShare Trustees apparently believe that striking the words "on behalf" from the complaints magically cures those complaints. They are mistaken. Once again, the complaints have not been brought by the named customers, nor are those customers being properly represented by legal counsel. In fact, Ameritech Ohio does not believe that many of the customers even know about the complaints. Several customers have demanded that Mr. Woodman and the WeShare Trustees stop trying to represent them. For example, see attached letters filed with the Commission in Case Nos. 96-904-TP-CSS and 96-907-TP-CSS. Yet, Mr. Woodman and the WeShare Trustees persist in attempting to pursue these claims.

Neither Mr. Woodman nor the WeShare Trustees have complied with the Hearing Examiner's Entry ordering them to file

verified statements. Therefore, Respondent requests that these cases be dismissed.

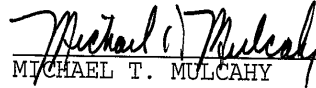
Respectfully submitted,

AMERITECH OHIO

By Michael T. Mulcahy  
MICHAEL T. MULCAHY  
Its Attorney  
45 Erieview Plaza, Room 1400  
Cleveland, OH 44114  
(216) 822-3437

CERTIFICATE OF SERVICE

A copy of the foregoing Motion to Dismiss and Memorandum in Support has been served upon James P. Woodman, 1675 Woodward Avenue #1, Lakewood, OH 44107 and Thomas Warholic, Carl N. Woodman and Robert P. Woodman, 3202 Lorain Avenue, P.O. Box 94990, Cleveland, OH 44101-4990 by regular U.S. mail, postage prepaid, this 19<sup>th</sup> day of September, 1996.

  
MICHAEL T. MULCAHY



U.S. Department of Justice

United States Attorney  
Northern District of Ohio

REC'D

SEP 6 1996  
OFFICE  
P.U.C.O.

96-904-TP-CSS

Room 208  
2 South Main Street  
Akron, Ohio 44308

September 4, 1996

Chairman Craig A. Glazer  
C/O Docketing Division  
Public Utilities Commission of Ohio  
180 East Broad St.  
Columbus, Ohio 43215-3793



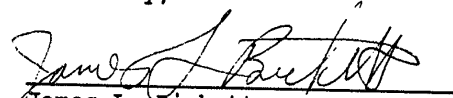
Re: Trustees of WeShare, Inc v. Ohio Bell

Dear Sir:

This letter is to inform you that the Trustees of WeShare, Inc. are not authorized to represent the United States, the Attorney General Janet Reno, nor the United States Department of Justice before the Public Utilities Commission of Ohio. 28 U.S.C. § 516 reserves that authority to the United States Department of Justice. U.S. v Walcott 972 F.2d 323, 326 (11th Cir. 1992) The United States requests that the petition purportedly filed on its behalf be dismissed.

Please provide this office with a copy of the dismissal or other order entered by the Commission regarding this matter. Thank you for your time and consideration and please contact me if there are any questions or additional information is required.

Sincerely,

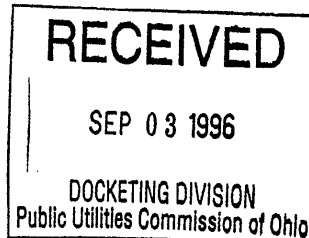
  
James L. Bickett  
Assistant U.S. Attorney  
(330) 375-5716



Steven C. LaTourette  
Congress of the United States  
19th District, Ohio

August 26, 1996

Mr. Robert Woodman  
President, Basic Telecommunications Auditors  
17920 Detroit Avenue, #506  
Lakewood, Ohio 44107



Dear Mr. Woodman:

I write in response to your letter to me dated August 18, 1996, and the Public Utilities Commission of Ohio ("PUCO") Complaint attached thereto. The Complaint apparently was filed by the Trustees of WeShare, Inc. against the Ohio Bell Telephone Company ("Ohio Bell") and alleges that Ohio Bell committed various improprieties in connection with its rates. The Complaint also indicated that it was filed on my behalf, as well as on behalf of two other U.S. Congressmen.

I want to be absolutely clear. I never requested that the Complaint be filed on my behalf, nor did I ever consent to the Complaint being filed on my behalf. I have no knowledge of WeShare, Inc., its trustees, or your company, nor do I have any knowledge of claims that any of you may have against Ohio Bell. To the extent you have represented otherwise, I request that you take prompt steps to correct the situation.

I also request that you not presume in the future to act on my behalf, absent explicit written consent. I am forwarding a copy of this letter to PUCO and the Trustees of WeShare, Inc., to ensure that they remove my name from the Complaint. Thank you for your prompt attention. I remain

Very truly yours,

Steven C. LaTourette  
Member of Congress

cc: PUCO  
180 E. Broad Street  
Columbus, OH 43215

Trustees of WeShare, Inc.  
3202 Lorain Avenue  
P.O. 94990  
Cleveland, OH 44101-4990

RECEIVED

SEP 3 REC'D

ATTORNEY EXAMINERS  
LEGAL DEPARTMENT  
PUBLIC UTILITIES COMMISSION