

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Eric J. Schroeter/APPC Plumbing Service,

Complainant,

v.

AT&T Communications of Ohio, Inc.,

Respondent,

Relative to Charges for Telephone Calls Allegedly Not Made by the Complainant.

Case No. 02-1484-CT-CSS

ENTRY

The Commission finds:

- (1) The above-referenced complaint was filed on June 19, 2002. In the complaint, Eric J. Schroeter alleged that AT&T Communications of Ohio, Inc. (AT&T, company) billed his business, APPC Plumbing Service, for calls not placed at the business.
- (2) AT&T filed its answer to the complaint on July 11, 2002. In the answer, AT&T stated either that it lacked sufficient information concerning the complainant's allegations or that it denied those allegations.
- (3) On July 30, 2002, a settlement conference was held in this proceeding.
- (4) On August 20, 2002, AT&T filed a copy of a letter to the complainant. In the letter, AT&T stated the terms of a settlement agreement between the parties. Further, the company noted that AT&T would notify the Commission that the case has been settled and should be dismissed.
- (5) On August 26, 2002, AT&T filed a letter stating that the case has been settled. Moreover, AT&T stated that Mr. Schroeter has authorized the company to represent this fact on both parties' behalf.
- (6) Rule 4901-9-01(D), Ohio Administrative Code (O.A.C.), states that:

If the public utility complained against files an answer or motion which asserts that the complaint

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has been satisfied or that the case has been settled, the complainant shall file a written response within 20 days after the service of the answer or motion, indicating whether the complainant agrees or disagrees with the utility's assertions, and whether he or she wishes to pursue the complainant. If no response is filed within the prescribed period of time, the commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

The Commission believes that AT&T's August 20, 2002 and August 26, 2002 filings in this matter function as a motion to dismiss the complaint within the meaning of Rule 4901-9-01(D), O.A.C. Moreover, the Commission notes that the complainant did not contest AT&T's assertion that the case has been settled within the prescribed 20-day period under Rule 4901-9-01(D), O.A.C.

- (7) Pursuant to Rule 4901-9-01(D), O.A.C., the Commission believes that a satisfaction or settlement of the complaint has occurred. Accordingly, this complaint should be dismissed.

It is, therefore,

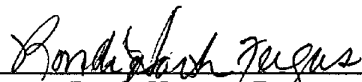
ORDERED, That Case No. 02-1484-CT-CSS should be dismissed and closed of record. It is, further,

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

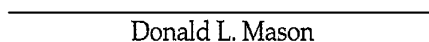
THE PUBLIC UTILITIES COMMISSION OF OHIO



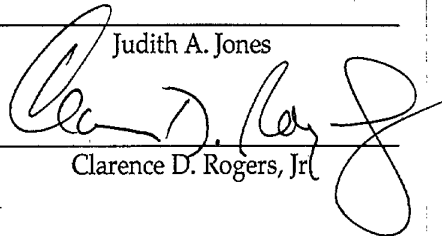
Alan R. Schriber, Chairman



Ronda Hartman Fergus



Donald L. Mason



Judith A. Jones

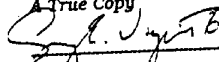
Clarence D. Rogers, Jr.

KKS/vrm

Entered in the Journal

SEP 18 2002

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Gary E. Vigorito
Secretary

CASE NUMBER: 02-1484-CT-CSS
CASE DESCRIPTION: ERIC J. SCHROEDER (APPC PLUMBING SERVICES) VS. AT&T COMMUNICATIONS OF OHIO
DOCUMENT SIGNED ON: 9/17/2002
DATE OF SERVICE: 9/18/02

PARTIES SERVED

PARTIES OF RECORD

ATTORNEYS

COMPLAINANTS

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NONE

RESPONDENTS

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