

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

Beverly E. Jones,)
)
Complainant,)
)
v.)
)
AT&T Ohio and Ohio Edison Company,)
)
Respondents.)

Case No. 05-950-AU-CSS

MEMORANDUM CONTRA

Ohio Edison Company and AT&T Ohio¹, by their respective attorneys and pursuant to Ohio Admin. Code § 4901-1-35(B), jointly oppose the pleading filed by the Complainant on October 19, 2006.

The pleading does not qualify as an application for rehearing of the Commission's September 20, 2006 Opinion and Order because it does not meet the requirements of the applicable statute or rule. R. C. § 4903.10, which governs applications for rehearing before the Commission, provides in pertinent part that "(e)very applicant for rehearing . . . shall give due notice of the filing of such application to all parties who have entered an appearance in the proceeding in the manner and form prescribed by the commission." The Commission has prescribed the manner and form by which notice to all parties must be given. A Commission rule generally calls for the service of all pleadings and papers filed in a Commission proceeding.

¹ The Ohio Bell Telephone Company uses the name AT&T Ohio.

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Ohio Admin. Code § 4901-1-05. That rule requires that all pleadings filed with the Commission subsequent to the original filing shall be served on all parties no later than the date of filing.

Ohio Admin. Code § 4901-1-05(A) The rule also provides that "(s)uch pleadings or other papers shall contain a certificate of service." The certificate of service must state the date and manner of service, identify the names of the persons served, and be signed by the attorney or the party who files the document." Id. None of these requirements were met by the Complainant and her pleading cannot be considered as an application for rehearing under the statute or the rule.

Moreover, the pleading does not "set forth specifically the ground or grounds upon which the applicant considers the order to be unreasonable or unlawful," as required by the statute. R. C. § 4903.10. This is a further violation of the applicable statute. While the Commission strives to make its processes user-friendly to *pro se* complainants, it has no authority to ignore or waive the statutory requirements applicable to an application for rehearing.

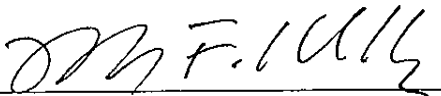
Despite the legal infirmities in the Complainants' pleading, to the extent the Commission considers it, it does not justify further investigation of the complaint and does not even seek further relief. The Complainant makes vague allegations that the Commission did not investigate her complaint and discriminated against her. She introduces new allegations concerning a furnace that is "running hot" and high natural gas bills. None of these allegations has any support. The Complainant has failed to clearly state why the Opinion and Order is, in any respect, unlawful or unreasonable. The Commission considered the extensive testimony at its hearing held on June 6, 2006. It properly concluded that there was no evidence to support any

finding against either Respondent. Opinion and Order, p. 6. It therefore dismissed the Complaint, and did so in accordance with law.

Respectfully submitted,

AT&T Ohio


Ohio Edison Company

By: 

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Its Attorney

By:  per *tel. act.*

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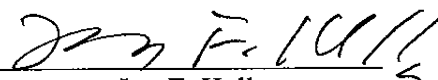
330-384-4783

Its Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the following party by depositing it in the U. S. Mail, postage prepaid, this 26th day of October, 2006.

Mrs. Beverly E. Jones
45 N. Garland St.
Youngstown, OH 44506


Jon F. Kelly