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# ORIGINAL

BEFORE  
THE PUBLIC UTILITIES COMMISSION  
OF OHIO

**RECEIVED**  
SEP 20 1996  
DOCKETING DIVISION  
Public Utilities Commission of Ohio

IN THE MATTER OF THE  
COMPLAINTS OF CITIZENS  
FEDERAL BANK, ET AL.

COMPLAINANTS

vs.

AMERITECH OHIO

RESPONDENT

) PUCO CASE NOS:  
) 96-37-TP-CSS  
) 96-39-TP-CSS  
) 96-40-TP-CSS  
) 96-38-TP-CSS  
) 96-427-TP-CSS  
) 96-460-TP-CSS

### REPLY OF AMERITECH OHIO

Ameritech Ohio, Respondent in these six complaint cases, has received a response to its motion for protective order. That response was filed by Attorney Robert C. Johnston on behalf of Steven Longenecker and Eastland Telecommunications Consulting, Inc. It was not filed by Mr. Johnston as attorney for Citizens Federal Bank or the school district complainants. These entities, though, are the real parties in interest in this case. Attorney Examiner Daniel Fullin, in his Entry issued in these cases on July 5, 1996, held that:

"The attorney examiner finds that Citizens Bank is the complainant in each of Case Nos. 96-37, 96-39, 96-40, 96-98 and 96-109 [the latter two cases involve AT&T as the respondent]; that Northwestern Schools is the complainant in Case No. 96-38; that Springfield City Schools is the

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complainant in Case No. 96-426; and that West Carrollton Schools is the complainant in 96-460..." (Entry, July 5, 1996, Finding (3) at 4)

Since it is clear that the bank and the school districts are the complainants, and not Mr. Longenecker or his firm, it is equally clear that the problems addressed by Ameritech Ohio in its pending motions to dismiss and motion for protective order are not cured by the appearance of Mr. Johnston as counsel for Mr. Longenecker or Eastland Telecommunications. Rather, Mr. Johnston must appear on behalf of the real parties in interest, the actual complainants.

Undersigned counsel has spoken to Mr. Johnston about this point. Mr. Johnston has authorized undersigned counsel to represent that he will secure the necessary authorizations from the complainants to act as their legal representative. If this in fact occurs, that procedure would satisfy Ameritech Ohio's concerns about the unauthorized practice of law. If it does not occur, Ameritech Ohio stands by its motions to dismiss and by its motion for protective order.

Finally, it is true that Ameritech Ohio did not submit an accompanying affidavit with its motion for protective order. An affidavit would add nothing to the Commission's consideration of that motion because the motion simply reasserted prior and pending motions to dismiss and Examiner Fullin's July 5 Entry. If,

however, the Commission believes that something more is required,  
the attached affidavit should satisfy any procedural concerns.

Respectfully submitted,

AMERITECH OHIO

BY:

*Charles S. Rawlings, JPA*

CHARLES S. RAWLINGS

ITS ATTORNEY

75 PUBLIC SQUARE, SUITE 1320

CLEVELAND, OHIO 44113

(216) 241-7255

SUPREME COURT NO. 0008906

AFFIDAVIT

STATE OF OHIO            )  
                                  )SS  
COUNTY OF CUYAHOGA    )

Now comes Charles S. Rawlings, an attorney at law and one of the attorneys representing Ameritech Ohio in P.U.C.O. Case Nos. 96-37-TP-CSS, 96-39-TP-CSS, 96-40-TP-CSS, 96-38-TP-CSS, 96-427-TP-CSS and 96-460-TP-CSS, and states as follows:

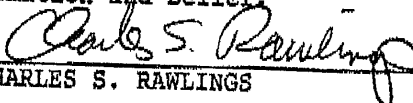
1. That, he filed motions to dismiss and a motion for protective order in these cases and believes the facts and circumstances alleged therein to be true; and

2. That he has attempted to resolve the issues raised by those motions first with Steven Longenecker, and most recently with Attorney Robert C. Johnston, and;

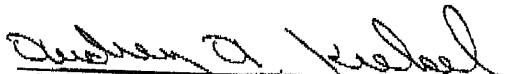
3. That Attorney Johnston told him, during the course of a telephone conversation on the morning of Thursday, September 19, that he would obtain the authorizations necessary to appear as counsel of record for the bank and school district complainants in these cases.

FURTHER AFFIANT SAYETH NOT.

I hereby swear that the foregoing statements are true to the best of my knowledge, information and belief.

  
CHARLES S. RAWLINGS

SWORN TO AND SUBSCRIBED in my presence this 20~~th~~ day of September, 1996.

  
NOTARY PUBLIC

AUDREY A. KREKEL  
Notary Public, State of Ohio, Cuy. Cty.  
My Commission Expires Mar. 19, 2000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon Robert C. Johnston, Esq., Shipman, Dixon and Livingston, 215 West Water Street, P. O. Box 310, Troy, Ohio 45373 by depositing that copy in the United States mail, postage prepaid, this 20<sup>th</sup> day of September, 1996.

*Charles S. Rawlings, JFA*  
CHARLES S. RAWLINGS