

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

Robert P. Woodman,)
)
 Complainant,)
)
 v.) Case No. 96-1024-TP-CSS
)
 Ameritech Ohio,)
)
 Respondent.)

ENTRY

The Commission finds:

- (1) On September 27, 1996, Robert P. Woodman filed a complaint in this case against Ameritech Ohio (Ameritech)¹ purportedly "for the purpose of giving public notice to the Commission" that, as alleged in the complaint, Ameritech "is and has been" illegally charging and billing the Cleveland Public Schools unjust and unreasonable charges for local exchange telephone services which Ameritech provides to the Cleveland City School District pursuant to a contract between Ameritech and the contracting agent for the public schools in the district. The complaint contains a number of further allegations which are designed to support the major premise of the complaint, i.e., that Ameritech is and has for an extended period of time been engaged in an illegal practice of charging the Cleveland Public Schools unjust and unreasonable rates.

In stating the form of relief being sought, the complaint indicates that Mr. Woodman "demands that the Commission review the evidence, and make a finding" that Ameritech does, as set forth in the complaint, unlawfully, unjustly, unreasonably, and in a discriminatory manner, charge and bill the Cleveland Public Schools for local service. The complainant asks the Commission to, upon making such a finding, "effect the justice he seeks by penalizing ... [Ameritech] for its violations of law or orders of the Commission ... and by referring to the Ohio Attorney General those matters for which ... [Ameritech] should be prosecuted to the fullest extent of the law."

¹ Ameritech Ohio is also known as The Ohio Bell Telephone Company.

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- (2) On October 17, 1996, Ameritech filed a motion to dismiss this complaint. Ameritech submits that dismissal is appropriate inasmuch as the complainant has failed to demonstrate standing to bring this complaint.
- (3) The Commission finds that Mr. Woodman has not shown or even alleged that he has any personal interest at stake in the alleged cause of action presented in his complaint. He has not shown or even alleged that the party complained against, Ameritech, has breached any legal duty owing to Mr. Woodman individually. Rather, it appears that the Cleveland Public Schools should be considered to be the real party of interest, if any, in the alleged cause of action set forth in Mr. Woodman's complaint. However, Mr. Woodman has also failed to show that he holds the requisite legal authority to represent the interests of the Cleveland Public Schools in this case.
- (4) This complaint case should be dismissed, and closed of record, because the person who has brought the complaint, Mr. Woodman, has failed to establish that he has any personal interest at stake in the alleged cause of action presented and, further, because he has also failed to show that he has the requisite legal authority to represent any other person or entity on whose behalf the complaint may arguably have been brought.
- (5) This marks the 15th time since September 1996 that the Commission has, for the same reason in each case, found it necessary to dismiss a case brought by Mr. Woodman. In 13 of the prior instances, the cases which were dismissed had been brought not, as here, by Mr. Woodman alone, but by the trustees of WeShare, Inc., namely, Robert P. Woodman, Carl N. Woodman, and Thomas Warholic. Again for the same reason, by entry issued September 26, 1996, the Commission also dismissed 43 cases brought by Mr. James P. Woodman.

By entry issued October 17, 1996, Robert P. Woodman, Carl N. Woodman, Thomas Warholic, and James P. Woodman were each put on notice that any complaint case brought before the Commission by any of them, either collectively or individually, will be subject to summary dismissal unless it either sets forth a cause of action in which their individual or collective personal interests are alleged to be at stake, or, if brought on behalf of another person or entity, contains verification of

their individual or collective authority to legally represent the real party of interest in the cause of action alleged. This dismissal serves as a further notice of this same proposition of law.

- (6) Section 4903.24, Revised Code, authorizes the Commission to impose the costs of any hearing or investigation upon any party. While the Commission has not yet determined that assignment of costs shall be made in this proceeding, Commission employees are instructed to determine their costs incurred thus far and to record any additional costs and to report such costs promptly to the Commission.

It is, therefore,

ORDERED, That this case is hereby dismissed, and closed of record, in accordance with the above findings. It is, further,

ORDERED, That Finding (5) above, be observed. It is, further,


ORDERED, That a copy of this entry be served upon the trustees of Robert P. Woodman, Carl N. Woodman, Thomas Warholic, James P. Woodman, and upon all interested persons of record in this case.

THE PUBLIC UTILITIES COMMISSION OF OHIO

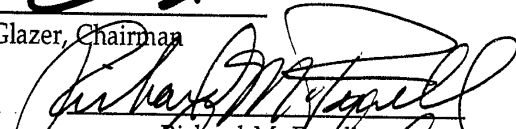


Craig A. Glazer, Chairman

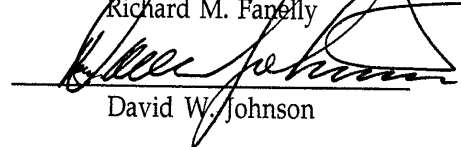
Jolynn Barry Butler



Ronda Hartman Ferguson



Richard M. Fanelli



David W. Johnson

DEF;geb

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OCT 5 1 1996

A True Copy



Gary E. Vigorito
Secretary