

FILE

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To: Docketing

Date: January 8, 2007

Company: PUCO

Re: Case No. 06-1466-TP-CSS

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THE PUBLIC UTILITIES COMMISSION OF OHIO

In re:)

Grip Technology, Inc)

Claimant,)

v)

Bluemile, Inc.,)

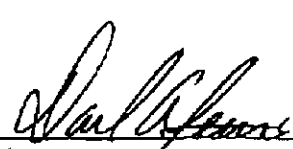
Respondent.)

Case No. 06-1466-TP-CSS

MOTION TO DISMISS

FAX

COMES NOW the respondent, Bluemile, Inc. (the "Respondent" or "Bluemile"), by and through its attorneys, and appears for the limited purpose of submitting its Motion to Dismiss due to this Commission's lack of personal jurisdiction as to the Respondent and lack of subject matter jurisdiction in this case. In addition, Claimant is in violation of this Commission's regulations governing representation. Respondent submits the following Memorandum in Support of its Motion



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MEMORANDUM IN SUPPORT

Contrary to the Formal Complaint Form (the "Complaint") in this matter, Respondent is not a public utility, as defined in O.R.C. §4905.02, or telephone company, as defined in O.R.C. §4905.03(A)(2). Rather, Respondent provides information services over the internet, part of which includes "Voice over Internet Protocol" (VoIP) services. VoIP services of the type and nature described in the Complaint are exempt from regulation by this Commission. *In re Vonage Holding Corp.*, 19 F.C.C.R. 22,404 (2004). Accordingly, this Commission has refrained from regulating VoIP services or providers of information services. *In the Matter of the Commission's Investigation Into Voice Services Using Internet Protocol*, Case No. 03-950-TP-COI. Accordingly, this Commission is without jurisdiction over Respondent, as a provider of information services, or the subject matter of this case, which involves VoIP services.

Also outside of this Commission's jurisdiction is Claimant's request for monetary relief. This is the only relief sought by Claimant in the Complaint. Claims for monetary relief are reserved for a court of law and not proceedings before this Commission. *In the Matter of Witty v. Energy Max of Northeast Ohio, Inc.*, Case No. 00-2074-GA-CSS (Feb. 14, 2002) at footnote 2.

Finally, Claimant in this matter is an Ohio corporation. Accordingly, it must be represented by an attorney at law, which it is not. O.A.C. §4901-1-08(A).

Given the foregoing, the Complaint in this matter should be dismissed.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify an accurate copy of the foregoing Motion to Dismiss was served this 8th day of January, 2007, via electronic transmission (e-mail) and ordinary U.S. Mail, postage prepaid, upon the following:

Scott Sanders
Grip Technology, Inc.
17 E. Gay Street
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David A. Ferris