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February 15, 2007

Via Hand Delivery

Ms. Reneé J. Jenkins  
Director of Administration  
Secretary of the Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215

RE: In the Matter of the Complaint of Treemasters Tree Service, Inc. v. Verizon North Inc.;  
PUCO Case No. 07-77-TP-CSS

Dear Ms. Jenkins:

Enclosed are an original and ten (10) copies of an Answer and Affirmative Defenses, to be filed in connection with the above-referenced matter on behalf of Verizon North Inc. Given the severe weather conditions of February 14, 2007, the undersigned counsel requests that this Answer be considered timely-filed.

Thank you for your assistance. If you have any questions, please do not hesitate to call.

Very truly yours,



Carolyn S. Flahive

Enclosure

cc: Scott Farkas, Attorney Examiner

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Complaint of  
Treemasters Tree Service, Inc.,**

**Complainant**

**v.**

**Verizon North Inc.,**

**Respondent.**

**Case No. 07-77-TP-CSS**

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**ANSWER AND AFFIRMATIVE DEFENSES  
OF VERIZON NORTH INC.**

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Verizon North Inc. ("Verizon"), through its counsel, respectfully answers the Complaint of Treemasters Tree Service, Inc. ("Complainant") and raises its affirmative defenses thereto as follows:

**A. ANSWER**

1. Verizon lacks knowledge or information sufficient to form a belief as to the truth of the allegations of the portions of the Complaint regarding the "service address," and therefore denies them, except that Verizon admits that Complainant is not the customer at the service address.

2. Verizon lacks knowledge or information sufficient to form a belief as to the truth of the allegations of the portions of the Complaint regarding a "low wire" contacting Complainant's truck while entering a driveway at the service address on October 4, 2006 and therefore denies them. Answering further, Verizon denies that the

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Public Utilities Commission of Ohio (“Commission”) has jurisdiction over the subject matter of and relief requested in the Complaint.

3. Verizon denies that it is liable to Complainant for reimbursement for damages to its truck.

4. Verizon denies that it has violated the law, including but not limited to the National Electric Safety Code and the rules and regulations of the Public Utilities Commission of Ohio.

5. Verizon denies that it has provided inadequate service by not maintaining wires properly.

**B. AFFIRMATIVE DEFENSES**

1. **Lack of Standing.** The Complaint explicitly concedes that Complainant is not the customer at the service address at issue in the Complaint. Complainant therefore lacks standing to bring the Complaint against Verizon for events at the service address.

2. **No Violation of R.C. § 4905.26.** The Complaint fails to state grounds for a complaint against Verizon pursuant to R.C. § 4905.26 because Complainant has not alleged any violation of any rules, regulations or laws that would constitute a violation of R.C. § 4905.26, which is limited to rates and services. Complainant attempts to allege a tort claim, and is therefore not entitled to relief under R.C. § 4905.26. Because Complainant has not shown that Verizon has taken any unlawful actions under R.C. § 4905.26, the Complaint should be dismissed.

3. **Lack of Commission Jurisdiction.** As detailed in the accompanying Memorandum in Support of Verizon North Inc.'s Motion to Dismiss, the Commission has no jurisdiction over Complainant's claim for reimbursement for damages to its truck because the Commission lacks jurisdiction over such alleged injuries or to award such damages. Because the Commission has no authority to award the relief sought, the Commission lacks jurisdiction over the Complaint and the relief requested therein. The Complaint should therefore be dismissed.

4. **Impermissible Corporate Representation Under O.A.C. 4901-1-08(A).**

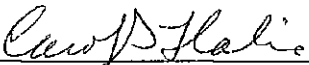
The Complaint must be dismissed because Complainant is a corporation and therefore must be represented by an attorney. However, a corporate "representative," and not an attorney, filed the Complaint. Because this violates O.A.C. 4901-1-08(A), which prohibits a non-attorney from representing a corporation, the Complaint must be dismissed.

**WHEREFORE**, Verizon North Inc. requests that the Complaint be dismissed with prejudice.

Dated: February 14, 2007

Respectfully submitted,

**VERIZON NORTH INC.**

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Its Attorneys

## CERTIFICATE OF SERVICE

I hereby certify that I have forwarded a copy of the foregoing *Answer and Affirmative Defenses of Verizon North Inc.* upon:

Jeff Bumbulis  
Treemasters Tree Service, Inc.  
7784 Spencer Lake Road  
Medina, OH 44256

by U.S. mail this 15<sup>th</sup> day of February, 2007.

  
Carolyn S. Flahive