

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

AT&T OHIO,

Complainant,

v.

UNITED TELEPHONE COMPANY OF  
OHIO D/B/A EMBARQ,

Respondent.

Case No. 07-755-TP-CSS

EMBARQ'S MOTION TO DISMISS AT&T'S COMPLAINT

Pursuant to Rules 4901-1-12(A) and 4901-9-01(C) of the Ohio Administrative Code, Ohio Rule of Civil Procedure 12(B)(1), and any other statutes and regulations deemed applicable, Respondent United Telephone Company of Ohio d/b/a Embarq ("Embarq"), by and through undersigned counsel, respectfully moves the Commission to dismiss the Complaint filed by AT&T Ohio ("AT&T"). For the reasons more fully set forth in the accompanying Memorandum in Support and supporting materials, the Commission lacks jurisdiction over the claims asserted in AT&T's Complaint.

WHEREFORE, Embarq respectfully requests that its Motion to Dismiss be granted and that AT&T's Complaint be dismissed in its entirety.

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Dated: September 19, 2007

Respectfully submitted,

UNITED TELEPHONE COMPANY OF OHIO  
D/B/A EMBARQ

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**CERTIFICATE OF SERVICE**

I, Joseph R. Stewart, hereby certify that I caused a true and correct copy of Respondent Embarq's Answer to Complainant AT&T's Complaint to be served this 19th day of September, 2007 via U.S. mail, prepaid postage, delivery on:

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