

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING DIV
2009 OCT -1 AM 11:09
PUCO

OHIOTELNET.COM, INC.,

Complainant,

v.

Windstream Ohio, Inc.,

Respondent.

Case No. 09-515-TP-CSS

REPLY MEMORANDUM OF RESPONDENT
WINDSTREAM OHIO, INC.

Respondents Windstream Communications, Inc. and Windstream Ohio, Inc. (collectively, "Windstream") filed a Motion to Dismiss on July 13, 2009. Under the Commission's rules, Complainant Ohiotelnet.com, Inc. ("Complainant") had fifteen (15) days after service of the motion to file a memorandum contra, which would have made that pleading due at the end of July, 2009. Ohio Adm. Code § 4901-1-12(B)(1). Complainant filed nothing at that time and did not oppose the relief sought by Windstream in its Motion to Dismiss.

By Entry dated September 23, 2009, the Commission granted in part and denied in part the relief sought by Windstream in its Motion to Dismiss. The Commission dismissed Windstream Communications, Inc. because it was not a proper party to the case, and granted Windstream Ohio, Inc.'s request that Complainant place \$70,666.84 plus interest into escrow. The Commission denied Windstream Ohio, Inc.'s request to be dismissed from the case.

On September 30, 2009, after the Commission's Entry issued, Complainant filed a Memo Contra Windstream's Motion to Dismiss. This pleading is not timely and should be stricken.

Moreover, the information contained in the pleading largely is redundant of information

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contained in Complainant's Complaint filed on June 19, 2009, which the Commission already considered in its September 23, 2009 Entry.

Respectfully Submitted,

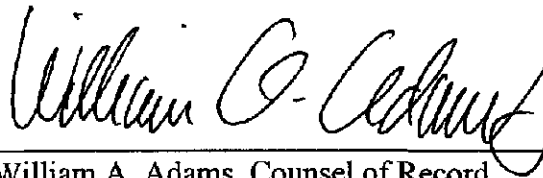


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Windstream Communications, Inc. and
Windstream Ohio, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon Ohiotelnet.com, Inc. by regular U.S. Mail, postage prepaid, this 1st day of October, 2009, to:

James R. Cooper, Esq.
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William A. Adams, Counsel of Record