

FILE

BAILEY CAVALIERI LLC

ATTORNEYS AT LAW

One Columbus 10 West Broad Street, Suite 2100 Columbus, Ohio 43215-3422
telephone 614.221.3155 facsimile 614.221.0479
www.baileycavalieri.com

direct dial: 614.229.3278
email: William.Adams@BaileyCavalieri.com

RECEIVED-DOCKETING DIV
2009 OCT 26 PM 3:40
PUCO

October 26, 2009

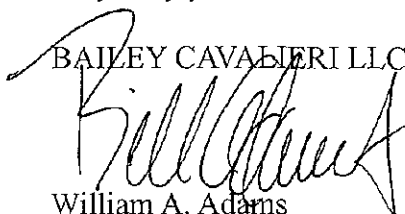
Ms. Rence Jenkins
Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street, 13th Floor
Columbus, OH 43215-3793

Re: *OHIO TELNET.COM, INC. v. Windstream Ohio, Inc.*
Case No. 09-515-TP-CSS

Dear Ms. Jenkins:

This letter documents a settlement agreement that has been reached between the parties at the settlement conference held on October 15, 2009, which is reflected in the attached email communications between counsel for Windstream Ohio, Inc. and counsel for Ohiotelnet.com, Inc. Since the agreement was reached, Ohiotelnet.com, Inc. has wired both the Payment and the Deposit which have been received by Windstream Ohio, Inc. Windstream Ohio, Inc. has lifted the embargo as per the agreement.

Very truly yours,

BAILEY CAVALIERI LLC

William A. Adams

WAA:sg

Attachment

cc: James R. Cooper, Esq., Attorney for Complainant – **Via Email and Regular U.S. Mail**
Doug Jennings, Attorney Examiner – **Via Hand Delivery**

#614510v1
11228.03404

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business
Technician Ann Date Processed 10/26/09

William Adams

From: J. Cooper [jcooper@msmisp.com]
Sent: Monday, October 19, 2009 4:57 PM
To: William Adams
Subject: Re: Windstream Ohio/ Ohiotelnet Agreement

Bill: The settlement is accepted by Ohiotelnet. I was notified by Ohiotelnet that funds were being wired this afternoon. I will obtain confirmation of the wire and advise you. Jim

----- Original Message -----

From: William Adams
To: J. Cooper
Cc: William Adams
Sent: Monday, October 19, 2009 11:34 AM
Subject: RE: Windstream Ohio/ Ohiotelnet Agreement

Jim, if the payments are made, the embargo will be lifted.

Bill Adams
Bailey Cavalieri LLC
10 West Broad Street
Columbus, Ohio 43215
614.229.3278 (o)
614.221.0479 (f)
william.adams@baileycavalieri.com
www.baileycavalieri.com

CONFIDENTIALITY NOTICE

The information transmitted is intended by Bailey Cavalieri LLC only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender by reply e-mail and delete the material from any computer.

ANY FEDERAL TAX ADVICE CONTAINED IN THE FOREGOING IS NOT INTENDED OR WRITTEN BY THE PREPARER OF SUCH ADVICE TO BE USED, AND IT CANNOT BE USED BY THE RECIPIENT, FOR THE PURPOSE OF AVOIDING PENALTIES THAT MAY BE IMPOSED ON THE RECIPIENT. THIS DISCLOSURE IS INTENDED TO SATISFY U.S. TREASURY DEPARTMENT REGULATIONS.

From: J. Cooper [mailto:jcooper@msmisp.com]
Sent: Monday, October 19, 2009 11:28 AM
To: William Adams
Subject: Re: Windstream Ohio/ Ohiotelnet Agreement

Bill: The contents of your message below is consistent with my understanding. In addition, if the settlement arrangement is accepted and the payments are made, will the embargo be lifted? I will be back with you this afternoon. Jim

----- Original Message -----

From: William Adams
To: J. Cooper
Cc: Hobbs, Kathy ; Francis, Allen ; jay.agranoff@puc.state.oh.us ; William Adams
Sent: Friday, October 16, 2009 10:22 AM
Subject: Windstream Ohio/ Ohiotelnet Agreement

Via email and fax (740-349-9816)

Jim, this confirms the agreement our clients reached during the settlement conference yesterday. Please advise immediately if you disagree with any of the following.

- Monday, Oct 19, 2009, 5:00 pm -- Ohiotelnet will advise if it accepts the settlement deal of \$8,393.14 payment ("Payment") plus \$8,393.14 deposit ("Deposit"). If accepted, the Payment will satisfy all current billings through and including the October, 2009 billing. The balance remaining would be the amount the PUCO ordered to be paid into escrow, \$70,666.84 (the "Balance"). If accepted, the escrow of the Balance would be due in 30 days (November 18, 2009) while the parties work to resolve the issues relating to the Balance. If the parties are working in good faith at the end of the 30 days, an additional 30 day extension on the payment of the escrow Balance could be granted by Windstream. If the settlement is accepted, Ohiotelnet will wire the Payment to Windstream by 5:00 pm, October 19, 2009 and wire the Deposit to Windstream by 5:00 pm, Thursday, October 22, 2009. If the settlement is not accepted, the parties will proceed with the disconnection process set forth below.
- Wednesday, Oct 21, 2009 -- Ohiotelnet will provide a draft notice to Windstream and PUCO Staff giving 14 days notice to its customers of the termination of service and selection of alternate providers. The draft notice would be dated October 23, 2009, which is the date that it would be mailed to Ohiotelnet customers if Ohiotelnet does not accept the settlement or fails to pay all amounts due under the settlement.
- Thursday, Oct 22, 2009, 5:00 pm -- Ohiotelnet must wire the Deposit to Windstream if it accepts the settlement.
- Friday, Oct 23, 2009 -- If Ohiotelnet does not accept the settlement or if it does not make all payments due as part of the settlement, Ohiotelnet will mail the final notice to all customers.

Bill Adams
 Bailey Cavalieri LLC
 10 West Broad Street
 Columbus, Ohio 43215
 614.229.3278 (o)
 614.221.0479 (f)
william.adams@baileycavalieri.com
www.baileycavalieri.com

CONFIDENTIALITY NOTICE

The information transmitted is intended by Bailey Cavalieri LLC only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender by reply e-mail and delete the material from any computer.

ANY FEDERAL TAX ADVICE CONTAINED IN THE FOREGOING IS NOT INTENDED OR WRITTEN BY THE PREPARER OF SUCH ADVICE TO BE USED, AND IT CANNOT BE USED BY THE RECIPIENT, FOR THE PURPOSE OF AVOIDING PENALTIES THAT MAY BE IMPOSED ON THE RECIPIENT. THIS DISCLOSURE IS INTENDED TO SATISFY U.S. TREASURY DEPARTMENT REGULATIONS.