

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

Robert W. Dray, Complainant

Case No. 10-453-TP-CSS

v.

United Telephone Company of Ohio dba CenturyLink,
Respondent

**ANSWER AND MOTION TO DISMISS OF UNITED
TELEPHONE COMPANY OF OHIO DBA CENTURYLINK**

For its answer to the complaint herein, United Telephone Company of Ohio dba CenturyLink ("CenturyLink") states:

1. Denies, for lack of knowledge, the allegations regarding Mr. Dray's disabilities.
2. Avers that the September 2009 bill speaks for itself.
3. Denies the existence of any "contract agreement."
4. Admits that Mr. Dray has been a customer of CenturyLink since approximately 1988.
5. Admits that Mr. Dray subscribes to CenturyLink's unlimited long distance plan.
6. Admits that Mr. Dray received a welcome packet, but denies the allegations regarding what the packet said and avers that the packet speaks for itself.
7. Admits Mr. Dray previously received call detail for long distance calls.
8. Denies each allegation not expressly admitted to be true.

FIRST AFFIRMATIVE DEFENSE

9. The complaint fails to state a claim on which relief can be granted.

MOTION TO DISMISS

The complaint should be dismissed because it fails to state a claim. Mr. Dray apparently wants CenturyLink to provide him with call detail for his long distance calls even though he has an unlimited calling plan. But that is not what the Commission's rules require. OAC Rule 4901:1-5-07 governs customer bills. It states, in pertinent part, that the company must provide: "Call detail, provided free of charge, regarding the calls made and minutes used, *if exceeding the amount allowed in a package.*" OAC Rule 4901:1-5-07(B) 5 [emphasis added].

But Mr. Dray has an unlimited long distance plan (by his own admission) so he has no entitlement to the call detail he is demanding. Therefore, his complaint fails to state a claim and should be dismissed.

Wherefore, CenturyLink requests that the complaint be dismissed with prejudice and for any further relief that may be proper.

Respectfully submitted,



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Certificate of Service

The undersigned certifies that a copy of the foregoing Answer and Motion to Dismiss was served on Robert Dray, 525 N. Main St., Delphos, OH 45833 by first class US mail on the 26th day of April 2010.

A handwritten signature in cursive script, reading "Joseph R. Stewart", written over a horizontal line.

Joseph R. Stewart

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 10-0453-TP-CSS

Summary: Answer Answer and Motion to Dismiss of United Telephone Company of Ohio dba CenturyLink electronically filed by Mr. Alan I Matsumoto on behalf of CenturyLink