

FILE

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May 3, 2010

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PUBLIC UTILITIES COMMISSION OF OHIO

Docketing Division  
180 East Broad Street  
Columbus, Ohio 43215-3793

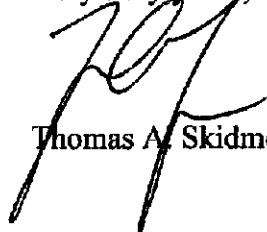
Re: *William Steven Gandee, D.C. v. Choice One Communications of Ohio, Inc., d/b/a, One Communications* – Case No. 09-51-TP-CSS

*Brian Longworth, D.C. v. Choice One Communications of Ohio, Inc., d/b/a, One Communications* – Case No. 09-52-TP-CSS

To the Docketing Clerk,

Please find enclosed herein the original and 5 copies of the Claimants Response to Entry Filed by Attorney Examiner on April 29, 2010 and Motion to Approve late Filing. Please file the original and copies. Please return the remaining copies to the undersigned in the self-addressed stamped envelope which I have provided for your convenience. In the meantime, should you have any further questions, please do not hesitate to contact me. Thanking you in advance for your anticipated cooperation. I remain,

Very truly yours,



Thomas A. Skidmore

TAS;tas  
Enclosures

Cc: Michael D. Dortch, Esq. – Regular Mail  
Kravitz, Brown & Dortch, LLC  
65 East State Street, Suite 200  
Columbus, Ohio 43215-4277

Paula Foley, Esq. – Federal Express and E-Mail  
Regulatory Affairs Counsel  
One Communications Corp.  
5 Wall Street  
Burlington, MA 01813

RECEIVED-DOCKETING DIV  
2010 MAY -4 AM 10:53  
PUCO

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**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RECEIVED-DOCKETING DIV  
MAY -4 AM 10: 52

**WILLIAM STEVEN GANDEE, D.C.**

**Complainant,**

**v.**

**CHOICE ONE COMMUNICATIONS, INC.  
d/b/a ONE COMMUNICATIONS,**

**Respondent.**

CASE NO. 09-51-TP-CSS

**PUGO**

**BRIAN LONGWORTH, D.C.,**

**Complainant,**

**v.**

**CHOICE ONE COMMUNICATIONS, INC.  
d/b/a ONE COMMUNICATIONS,**

**Respondent.**

CASE NO. 09-52-TP-CSS

**COMPLAINANT'S RESPONSE TO ENTRY FILED BY ATTORNEY EXAMINER ON  
APRIL 29, 2010 AND MOTION TO APPROVE LATE FILING**

Now comes the Complainant's William Steven Gandee, D.C. and Brian Longworth, D.C. by and through their undersigned counsel and hereby states that the Complainant's Response to Respondent's Motion to Dismiss was sent via Federal Express to the Docketing Division of the Public Utilities Commission of Ohio on April 30, 2010. It is expected that their response was received for filing on Monday, May 03, 2010.

The Complainant's inadvertently miscalculated their reply time. The undersigned was in Trial on Monday, April 12, 2010 and did not docket the receipt of Respondent, Choice One

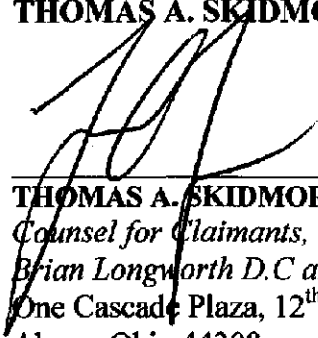
Communications, Inc. d/b/a One Communications Motion to Dismiss accurately. In addition, the undersigned was on vacation on April 15, 2010 – April 17, 2010. Lastly, the secretary of the undersigned recently resigned causing a slight delay in filing. The Complainant's late filing was as a result of an inadvertent mistake in calculating the date and at the time of this Response should have been received by the docketing department at the Public Utilities Commission.

Lastly, it was discovered this day that the Certificate of Service filed with the Complainant's Response did not contain Paula Foley, Esq., Regulatory Affairs Counsel, One Communications Corp., 5 Wall Street, Burlington, MA 01803. At the time of this writing, the Response to the Respondents Motion to Dismiss is being sent via Federal Express to Attorney Foley as well as being electronically e-mailed.

**WHEREFORE**, Complainant's hereby request that their Response to the Respondent, Choice One Communications, Inc. d/b/a One Communications Motion to Dismiss be allowed as filed.

Respectfully submitted,

**THOMAS A. SKIDMORE CO., L.P.A.**



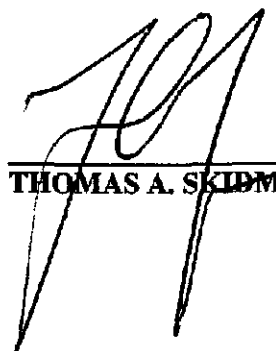
**THOMAS A. SKIDMORE, ESQ. #0039746**  
*Counsel for Claimants,*  
*Brian Longworth D.C and William Gandee, D.C..*  
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Akron, Ohio 44308  
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(330) 253-9657 Facsimile  
thomasskidmore@rrbiznet.com

**CERTIFICATE OF SERVICE**

A copy of the foregoing has been sent via regular U.S. Mail, postage prepaid this 31<sup>st</sup> day of May, 2010 to:

Michael D. Dortch, Esq.  
*Counsel for Third-Party Defendant, Choice One Communications*  
65 East State Street, Suite 200  
Columbus, OH 43215-4277

A copy of the foregoing and a copy of the Complainant's Response to the Respondent's Motion to Dismiss has been sent via Federal Express and electronically e-mailed to Paula Foley, Esq., Regulatory Affairs Counsel, One Communications Corp., 5 Wall Street, Burlington, MA 01803 and pfoley@onecommunications.com.



THOMAS A. SKIDMORE, ESQ. #0039746