

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

Strip, Hoppers, Leithart, McGrath & Terlecky)	
Co., LPA)	
Complainant,)	
)	
v.)	Case No. 12-3291-TP-CSS
)	
Windstream Ohio, Inc. d/b/a Windstream)	
)	
and)	
)	
Windstream Nuvox Ohio, Inc. d/b/a NuVox)	
)	
and)	
)	
The Ohio Bell Telephone Company d/b/a AT&T Ohio)	
)	
Respondents.)	

AT&T OHIO'S ANSWER

AT&T Ohio¹, for its Answer to the Complaint filed against it, states as follows:

1. AT&T Ohio admits the allegations of paragraphs 1 through 4 of the Complaint.

2. AT&T Ohio lacks knowledge sufficient to admit or deny the allegations of paragraphs 5, 6, and 7 of the Complaint.

3. AT&T Ohio admits the allegations of paragraph 8 of the Complaint.

¹ The Ohio Bell Telephone Company is a public utility in Ohio and provides certain Commission-regulated services in Ohio, such as the services at issue here, as well as other services. The Ohio Bell Telephone Company uses the name AT&T Ohio, which is used in this Answer.

4. AT&T Ohio denies the allegations of paragraphs 9 through 21 of the Complaint.

5. AT&T Ohio avers that it has breached no legal duty owed to the Complainant and that its service and practices at all relevant times have been in full accordance with all applicable provisions of law and accepted standards within the telephone industry.

Affirmative Defenses

6. The Complaint fails to state reasonable grounds or otherwise state a cause of action against AT&T Ohio for which relief can be granted.

7. The relationship between Respondents Windstream Ohio, Inc. d/b/a Windstream and/or Windstream Nuvox Ohio, Inc. d/b/a NuVox, as retail service providers, and Respondent AT&T, as a wholesale or underlying provider, is governed by and is subject to the provisions of any applicable interconnection and/or resale agreements between those entities, including, without limitation, any indemnity or limitation of liability provisions.

WHEREFORE, having fully answered, Respondent AT&T Ohio respectfully prays that this Complaint be dismissed as to AT&T Ohio. If the Commission does not dismiss AT&T Ohio, the Commission should schedule this case for an informal mediation with all parties and appropriate Commission Staff in attendance prior to scheduling the case for a formal hearing.

AT&T Ohio

Columbus, Ohio 43215

Its Attorneys

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Certificate of Service

I hereby certify that a copy of the foregoing has been served this 16th day of January, 2013 by e-mail, as indicated, on the parties shown below.

/s/ Jon F. Kelly

Jon F. Kelly

STRIP, HOPPERS, LEITHART, MCGRATH AND TERLECKY CO., LPA

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Summary: Answer electronically filed by Jon F Kelly on behalf of AT&T Ohio