

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

5 B's , Inc.)	
)	
Complainant,)	
)	
v.)	Case No. 13-0544-TP-CSS
)	
The Ohio Bell Telephone Company d/b/a AT&T Ohio,)	
)	
Respondent.)	

AT&T OHIO'S MEMORANDUM CONTRA

AT&T Ohio opposes the Complainant's motion for leave to amend its first amended Complaint in the manner the Complainant proposes because the Complainant seeks to retain AT&T Ohio as a party Respondent. For the reasons set forth in AT&T Ohio's motion to dismiss, AT&T Corp. is the sole appropriate Respondent in this case. Complainant has provided no facts, and has made no allegations, concerning any action or inaction on the part of AT&T Ohio that would justify retaining that entity as a party to this case. AT&T Ohio is not an appropriate Respondent and it should be dismissed from the Complaint.

Respectfully submitted,

AT&T Ohio

By: /s/ Jon F. Kelly

Jon F. Kelly

Mary Ryan Fenlon

AT&T Services, Inc.

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Columbus, Ohio 43215

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Its Attorneys

13-544.memo contra

Certificate of Service

I hereby certify that a copy of the foregoing has been served this 11th day of April, 2013 by e-mail on the parties shown below.

/s/ Jon F. Kelly

Jon F. Kelly

5 B's, Inc.

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