

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Complaint of
Dr. Thomas M. Pokabla,**

Complainant,

v.

**United Telephone Company of Ohio
dba CenturyLink,**

Respondent.

Case No. 13-1636-TP-CSS

ANSWER OF UNITED TELEPHONE COMPANY OF OHIO DBA CENTURYLINK

United Telephone Company of Ohio dba CenturyLink (“CenturyLink”), by its attorneys.
answers the complaint of Dr. Thomas M. Pokabla (“Complainant”) as follows:

1. CenturyLink admits that on or about September 12, 2012, CenturyLink’s sales representative provided Complainant with a quote for monthly services at the rate of \$330 per month based on the belief that Complainant was ordering a package of six business lines and one DSL line, with no additional features. CenturyLink denies that a contract for all of Complainants’ services was formed at a rate of \$330 per month. CenturyLink presently lacks knowledge or information sufficient to form a belief as to the remaining allegations of the first full paragraph of the complaint and therefore denies them.

2. CenturyLink admits that there was a misunderstanding between Complainant and CenturyLink’s sales representative concerning what services were being ordered and the monthly rate for those services, and that a mistake had been made. CenturyLink admits that Complainant, Darita Patterson, and Shirley Au had a telephone conversation on or about December 11, 2012, in an effort to resolve the informal dispute that arose as a result of the mistake and that Complainant proposed that the parties agree to a rate of \$380 per month for the services

Complainant had ordered. CenturyLink affirmatively states that Shirley Au stated that she would try to see if it was possible to arrange for a \$380 per month billing for Complainant's services but denies that a final settlement was reached. CenturyLink further states that billing system limitations prevented CenturyLink from arranging to have Complainant billed \$380 per month, and CenturyLink therefore offered of a lump sum credit as an alternative. CenturyLink presently lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the second full paragraph of the Complaint and therefore denies them.

3. CenturyLink denies that it is over billing Complainant in its monthly statements to Complainant and affirmatively states that the rates Complainant is being charged are the standard rates for the package of services he is receiving. CenturyLink presently lacks knowledge or information sufficient to form a belief as to whether or when Complainant requested and was promised the calling features referred to as "Redial feature" and "Speed dial" and therefore denies those allegations.

4. CenturyLink denies each allegation in the Complaint not specifically admitted as true.

5. The remaining allegations in the Complaint request relief and do not require an answer. CenturyLink affirmatively states that Complainant is not entitled to the relief he is seeking.

FIRST AFFIRMATIVE DEFENSE

6. The Complaint fails to state reasonable grounds for a complaint against CenturyLink as required by Ohio Revised Code § 4905.26.

SECOND AFFIRMATIVE DEFENSE

7. The Complaint is barred by the doctrine of laches.

RESERVATION OF DEFENSES

8. CenturyLink reserves the right to raise other defenses as warranted by discovery in this matter.

WHEREFORE, CenturyLink prays that the Complaint be dismissed with prejudice.

Respectfully submitted,

/s/ Christen M. Blend

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*Counsel for United Telephone Company of Ohio
dba CenturyLink*

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served by regular mail on this 9th day of August, 2013, upon the Complainant at the following address.

Dr. Thomas M. Pokabla
248 Niles Cortland Rd., N.E.
Warren, Ohio 44484-1938

/s/ Christen M. Blend
Christen M. Blend

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Case No(s). 13-1636-TP-CSS

Summary: Answer of United Telephone Company of Ohio dba CenturyLink electronically filed by Ms. Christen M. Blend on behalf of United Telephone Company of Ohio dba CenturyLink