

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

GTE NORTH INCORPORATED

Complainant

vs.

THE OHIO BELL TELEPHONE COMPANY

Respondent

CASE NO. 89-467-TP-CSS

ANSWER

Now comes The Ohio Bell Telephone Company, Respondent herein, and for answer to the Complaint filed against it avers the following:

(1) Ohio Bell admits the allegations of Paragraphs 1 and 2 of the Complaint;

(2) Ohio Bell admits, as generally alleged at Paragraph 3 of the Complaint, that the Jefferson County Water and Sewer Department is located in the vicinity of Ohio State Route 43 but denies that the Water and Sewer Department is located in GTE's Richmond, Ohio exchange for telephone service purposes;

(3) Ohio Bell denies the allegations of Paragraph 4 of the Complaint for want of knowledge or information sufficient to form a belief as to the truth or falsity thereof;

(4) Ohio Bell denies the allegations of Paragraph 5 of the Complaint and affirmatively states that it is providing service to Jefferson County and the Water and Sewer Department of Jefferson County in full accordance with tariff, Commission rule, statute, and all other applicable legal standards;

(5) Ohio Bell denies the allegations of Paragraph 6 of the Complaint except admits that it does not provide exchange telephone service in GTE's Richmond exchange;

(6) Ohio Bell specifically denies all allegations of the Complaint not above admitted to be true.

#### FIRST DEFENSE

(7) Further answering, Ohio Bell avers that jurisdiction over the acts and practices complained of herein lies with the Federal Communications Commission and not with the Public Utilities Commission of Ohio and, therefore, the Commission lacks subject matter jurisdiction in this cause.

#### SECOND DEFENSE

(8) Further answering, Ohio Bell avers that Complainant's claims are insufficient to set forth reasonable grounds for proceeding thereon under Section 4905.24 and as required by Ohio Revised Code Section 4905.26 and Rule 4901-9-01 (B)(3), O.A.C., and that Complainant otherwise fails to state a

claim upon which relief can be granted.

THIRD DEFENSE

(9) Further answering, Ohio Bell avers that Complainant's claims under Ohio Revised Code Section 4905.24 are insufficient as a matter of law because Complainant has failed to allege specific facts necessary to show on the face of the Complaint that it is providing adequate service to the Jefferson County Water and Sewer Department.

FOURTH DEFENSE

(10) Further answering, Ohio Bell avers that Complainant has acquiesced in the conduct complained of herein and, therefore, is barred from bringing this Complaint.

FIFTH DEFENSE

(11) Further answering, Ohio Bell avers that the Commission has no jurisdiction to grant the relief Complainant requests.

SIXTH DEFENSE

(12) Further answering, Ohio Bell avers that the granting of the relief requested by Complainant would constitute a taking of Ohio Bell's property in violation of the due process


and due course of law clauses of the United States and Ohio Constitutions.

WHEREFORE, having fully answered, Respondent, The Ohio Bell Telephone Company, respectfully prays that this Complaint be dismissed.

Respectfully submitted,

THE OHIO BELL TELEPHONE COMPANY

By

  
CHARLES S. RAWLINGS

Its Attorney  
45 Erieview Plaza, Room 1400  
Cleveland, Ohio 44114  
(216) 822-8317

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on counsel for GTE North Incorporated, Joseph R. Stewart, Esq., 100 Executive Drive, Suite 114, Marion, Ohio 43302, by depositing that copy in the U.S. mail, postage prepaid, this 11 day of April, 1989.

  
CHARLES S. RAWLINGS