

ORIGINAL

BEFORE
THE PUBLIC UTILITIES COMMISSION
OF OHIO

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In the Matter of the Complaint of)
Henkin & Seewald)

Case No. 01-112-TP-CSS

Complainant)

vs.)

Ameritech Ohio,)

Respondent)

ANSWER OF AMERITECH OHIO

Now comes Ameritech Ohio ("Ameritech") and for its Answer to the Complaint filed against it, states as follows:

FIRST DEFENSE

1. Ameritech admits that Complainant is a law firm located in Cleveland, Ohio, that its telephone number is (216) 781-8288, and that it has other telephone lines including ISDN lines.

2. Ameritech admits that it is a telephone company and a public utility as defined in Ohio Rev. Code Sections 4905.02 and 4905.03 and that it does business in Ohio including the Cleveland, Ohio area.

3. Ameritech admits that Complainant has occasionally called to complain about its voice mail service and about its "hunt" lines but denies that it has had either severe or sustained service problems.

4. Ameritech denies that Complainant has spoken to over twenty-five (25) representatives of Ameritech and that it has

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consumed over one hundred (100) hours so doing and states the fact to be that Ameritech representatives were both efficient and effective in responding to Complainant's complaints and concerns.

5. Ameritech denies all allegations of the Complaint documents not specifically admitted to be true.

SECOND DEFENSE

6. Further answering, Ameritech avers that the Complaint letter as filed fails to set forth reasonable grounds for proceeding thereon and therefore, fails to meet the mandatory jurisdictional requirements of Ohio Rev. Code Section 4905.26 and Section 4901-9-01 (B)(3), Ohio Admin. Code.

THIRD DEFENSE

7. Further answering, Ameritech avers that the Complaint documents fail to state a claim upon which relief can be granted.

FOURTH DEFENSE

8. Further answering, Ameritech avers that the Complaint has been satisfied through an adjustment to Complainant's billing made by Ameritech.

FIFTH DEFENSE

9. Further answering, Ameritech avers that voice mail is not a service regulated by this Commission and, therefore, the Commission lacks jurisdiction over the subject matter of any

complaints with regard thereto.

SIXTH DEFENSE

10. Further answering, Ameritech avers that this Commission does not have jurisdiction to hear claims sounding in tort or any other common law claim and lacks jurisdiction to award money damages to Complainant.

SEVENTH DEFENSE

11. Further answering, Ameritech avers that Complainant has failed to cooperate with Ameritech and has, consequently, caused the problems of which it complains.

EIGHTH DEFENSE

12. Further answering, Ameritech avers that it has breached no legal duty owed to Complainant whether created by statute, tariff, Commission rule, or otherwise.

WHEREFORE, having fully answered, Ameritech prays that this Complaint be dismissed.

Respectfully submitted,

AMERITECH OHIO

By

Charles S. Rawlings, OFA

CHARLES S. RAWLINGS

Its Attorney
2639 Wooster Road
Rocky River, Ohio 44116
(440) 356-3172

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer has been served upon the Spokesperson for Complainant, J. Gary Seewald, Esq., Henkin & Seewald, 550 Courthouse Square, 310 West Lakeside Avenue, Cleveland, Ohio 44113-1021 by depositing that copy in the United States mail, postage prepaid, this 12th day of February, 2001.

Charles S. Rawlings, CFA
CHARLES S. RAWLINGS