**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application of Middle Point Home Telephone Company to Amend its Basic Local Exchange Service (BLES) Tariff and to Authorize a Mechanism to Change its Residential BLES | )  )  )  )  ) | Case No. 14-191-TP-UNC |

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Motion to Dismiss without Prejudice of MIDDLE POINT HOME TELEPHONE COMPANY and memorandum in support**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Frank P. Darr (Counsel of Record)

Scott E. Elisar

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

fdarr@mwncmh.com

selisar@mwncmh.com

**March 14, 2017 Attorneys for Middle Point Home Telephone Company**

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application of Middle Point Home Telephone Company to Amend its Basic Local Exchange Service (BLES) Tariff and to Authorize a Mechanism to Change its Residential BLES | )  )  )  )  ) | Case No. 14-191-TP-UNC |

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Motion to Dismiss without Prejudice of MIDDLE POINT HOME TELEPHONE COMPANY**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Under Rule 4901-1-12, Ohio Administrative Code, Middle Point Home Telephone Company moves to dismiss its application without prejudice. The grounds supporting this Motion are set out in the accompanying Memorandum in Support.

Respectfully submitted,

/s/ Frank P. Darr

Frank P. Darr (Counsel of Record)

Scott E. Elisar

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

fdarr@mwncmh.com

selisar@mwncmh.com

**Attorneys for Middle Point Home Telephone Company**

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application of Middle Point Home Telephone Company to Amend its Basic Local Exchange Service (BLES) Tariff and to Authorize a Mechanism to Change its Residential BLES | )  )  )  )  ) | Case No. 14-191-TP-UNC |

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Memorandum in Support of Motion to Dismiss without Prejudice**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Middle Point Home Telephone Company (“Middle Point”) initiated this proceeding through an application filed on February 3, 2014 with the Public Utilities Commission of Ohio (“Commission”). It subsequently filed a motion to file an amended application on March 25, 2014. The Office of the Ohio Consumers’ Counsel (“OCC”) and the AT&T Entities[[1]](#footnote-1) sought to intervene, and each filed comments.

At this time, Middle Point has determined that further prosecution of this application is not warranted. Counsel for Middle Point contacted counsel for OCC and the AT&T Entities, and neither objects to the dismissal of the application without prejudice. To terminate this proceeding, therefore, Middle Point requests that the Commission dismiss the application without prejudice.

Respectfully submitted,

/s/ Frank P. Darr

Frank P. Darr (Counsel of Record)

Scott E. Elisar

McNees Wallace & Nurick LLC

21 East State Street, 17TH Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

fdarr@mwncmh.com

selisar@mwncmh.com

**Attorneys for Middle Point Home Telephone Company**

**Certificate of Service**

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e‑filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing *Motion to Dismiss Without Prejudice* *of Middle Point Home Telephone Company* *and Memorandum in Support* was sent by, or on behalf of, the undersigned counsel for IEU-Ohio to the following parties of record this 14th day of March 2017, *via* electronic transmission.

*/s/ Frank P. Darr*

Frank P. Darr

Jon F. Kelly

AT&T Services, Inc.

150 E. Gay St., Rm. 4-A

Columbus, Ohio 43215

jonfkelly@sbcglobal.net

**On Behalf of AT&T Services, Inc.**

Terry L. Etter, Counsel of Record

Assistant Consumers’ Counsel

Office of the Ohio Consumers’ Counsel

10 West Broad Street, Suite 1800

Columbus, Ohio 43215-3485

terry.etter@occ.ohio.gov

**On Behalf of the Office of the Ohio Consumers' Counsel**

William Wright

Attorney General’s Office

Public Utilities Commission of Ohio

180 E. Broad St., 6th Fl.

Columbus, Ohio 43215

William.wright@puc.state.oh.us

Jay Agranoff

Attorney Examiner

Public Utilities Commission of Ohio

180 E. Broad St., 6th Fl.

Columbus, Ohio 43215

Jay.Agranoff@puc.state.oh.us

**Attorney Examiner**

1. The AT&T Entities are The Ohio Bell Telephone Company (“AT&T Ohio”), AT&T Corp., Teleport Communications America LLC, and New Cingular Wireless PCS LLC. [↑](#footnote-ref-1)