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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

Ernst Enterprises, Inc.)	
)	
Complainant,)	
)	
v.)	Case No. 07-1061-TP-CSS
)	
ITS Communications and AT&T,)	
)	
Respondents.)	

AT&T OHIO'S AND AT&T COMMUNICATIONS OF OHIO, INC.'S
MOTION TO DISMISS

AT&T Ohio¹ and AT&T Communications of Ohio, Inc., by their attorney and pursuant to Ohio Admin. Code § 4901-1-12, move to dismiss the captioned Complaint because the Complainant is not represented by an attorney-at-law licensed to practice in Ohio. This complaint case was filed by Robert Wehmeier, the Chief Financial Officer of the Complainant, on September 25, 2007.

The Commission's procedural rules provide that corporations must be represented by an attorney-at-law. Ohio Admin. Code § 4901-1-08. According to the records of the Supreme Court of Ohio, Mr. Wehmeier is not an attorney-at-law licensed to practice in Ohio. The Court has held that the preparation, signing, and filing of documents instituting formal complaints before the Commission constitutes the practice of law. *Cleveland Bar Assn. v. Woodman*, 98 Ohio St.3d 436, 2003-Ohio-1634. The Commission has cited and relied on that

¹ The Ohio Bell Telephone Company uses the name AT&T Ohio.

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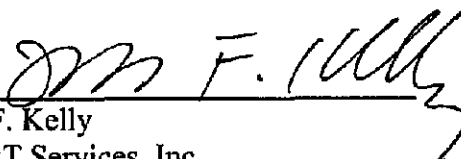
precedent. *Terry Metzenbaum v. AT&T Corp.*, Case No. 03-142-TP-CSS, Entry, May 22, 2003, p. 4. The Complainant is a corporation, as evidenced by the attached documents retrieved from the website of the Secretary of State of Ohio. Those records show that Ernst Enterprises, Inc. is an Ohio corporation. Its status is shown as "active." See attachments.

Because the Complainant has failed to engage an attorney-at-law in connection with its Complaint, the Complaint should be dismissed.

Respectfully submitted,

AT&T Ohio and AT&T Communications of
Ohio, Inc.

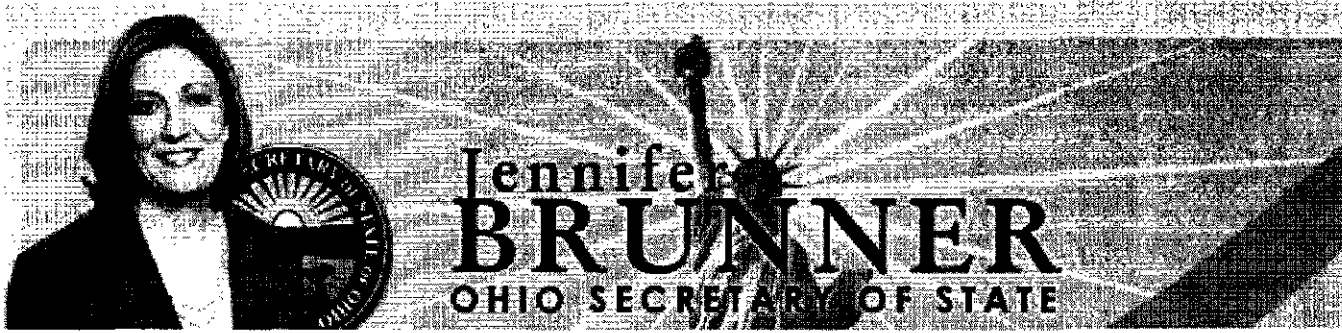
By:



Jon F. Kelly
AT&T Services, Inc.
150 E. Gay St., Room 4-A
Columbus, Ohio 43215

(614) 223-7928

Their Attorney



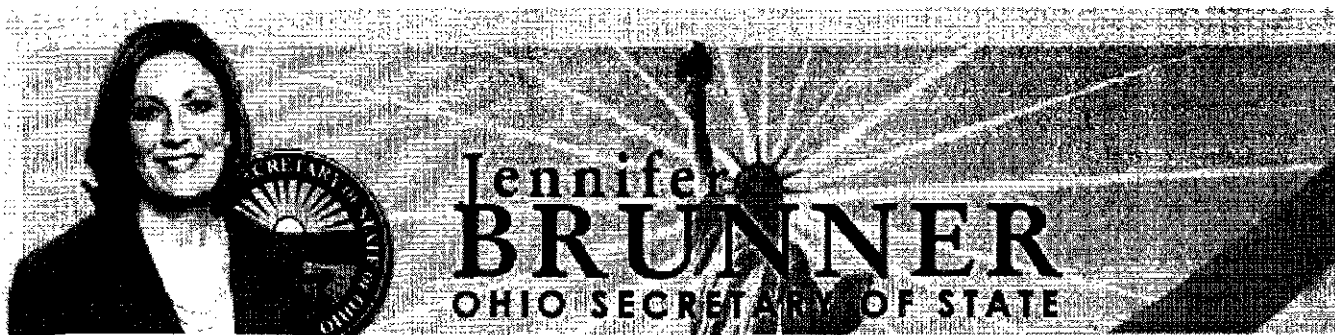
Business Information

Total Row Count in Report - 100 Row(s) 41 - 60

Business Name	Charter / Registration Number	Type	Original Filing Date	Status	Expiration Date	Location / County / State	Agent / Contact Info	Business Filing Info
ERNST CUSTOM CABINETS LLC	1441749	Domestic Limited Liability Company	Feb 13 2004	Active			Click for Details	Click for
ERNST D. TEPPER, INC.	816171	Corporation For Profit	Mar 30 1992	Dead		Toledo Lucas Ohio	Click for Details	Click for
ERNST DANIELS REALTY, INC.	451692	Corporation For Profit	Apr 04 1974	Cancel		Brecksville Cuyahoga Ohio	Click for Details	Click for
ERNST DEVELOPMENT COMPANY, INC.	730932	Corporation For Profit	Aug 18 1988	Active		Sugarcreek Twp. Greene Ohio	Click for Details	Click for
ERNST ELECTRIC	FN7448	Fictitious Names	Jan 02 1979	Cancel		Conversion	Click for Details	Click for
ERNST ENTERPRISES OF GEORGIA, INC.	1590141	Corporation For Profit	Dec 29 2005	Active		Dayton Montgomery	Click for Details	Click for
ERNST ENTERPRISES OF GEORGIA, INC.	669121	Corporation For Profit	Jan 13 1986	Dead		Dayton Montgomery Ohio	Click for Details	Click for
ERNST ENTERPRISES, INC.	561283	Corporation For Profit	Sep 19 1980	Dead		Tipp City Miami Ohio	Click for Details	Click for
ERNST ENTERPRISES, INC.	591356	Corporation For Profit	Mar 18 1982	Active		Dayton Montgomery Ohio	Click for Details	Click for
ERNST EXPRESS	RN194501	Registered Trade Name	Dec 23 1994	Cancel	Dec 23 1999		Click for Details	Click for
ERNST EXPRESS, INC.	888496	Corporation For Profit	Dec 07 1994	Hold		Cincinnati Hamilton Ohio	Click for Details	Click for
ERNST F.	426039	Optometrist	Jun 14	Active		Enon	Click for Details	Click for

FISCHER, O.D., INC.			1972			Clark Ohio		
ERNST FABRICATING, INC.	694842	Corporation For Profit	Feb 06 1987	Dead		Dayton Montgomery Ohio	Click for Details	Click for
ERNST FAMILY LLC	1313837	Domestic Limited Liability Company	Apr 22 2002	Active			Click for Details	Click for
ERNST FLUID POWER CO.	471638	Corporation For Profit	Sep 22 1975	Dead		Dayton Montgomery Ohio	Click for Details	Click for
ERNST FLUID POWER CO., INC.	752087	Corporation For Profit	Jun 26 1989	Active		Harrison Twp., Dayton Montgomery Ohio	Click for Details	Click for
ERNST FLUID POWER-CINCINNATI, INC.	521086	Corporation For Profit	Aug 14 1978	Dead		Fairfield Butler Ohio	Click for Details	Click for
ERNST FURNITURE SERVICE INC.	699832	Corporation For Profit	Apr 24 1987	Hold		Loveland Hamilton Ohio	Click for Details	Click for
ERNST H. SCHROEDER, M.D. CO.	433241	Medical	Dec 26 1972	Cancel		Euclid Cuyahoga Ohio	Click for Details	Click for
ERNST HEINRICH ROTH CO., INC.	167219	Corporation For Profit	Jun 26 1936	Cancel		Cleveland Cuyahoga Ohio	Click for Details	Click for

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**Agent Contact Information**

Agent Name	Agent Address	City	State	Zip	Effective Date	Contact Status
Daniel Ernst	3361 Successful Way	Dayton	Ohio	45413	01-AUG-03	Active

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Business Filing Information

Business Name	Filing Type	Filing Date	Doc Id <i>Click for Image !</i>	Additional Filing Type Info
ERNST ENTERPRISES, INC.	Domestic Articles/For Profit	Mar 18 1982	F048_0110	
	Merger/Domestic	Mar 31 1982	F056_1269	
	Domestic Agent Subsequent Appointment	Mar 31 1982	F056_1269	
	Domestic/Amendment To Articles	Mar 29 1984	F425_1171	Increase Of Authorized Stock Shares
	Domestic Agent Address Change	Nov 05 1984	F558_0305	
	Domestic/Amendment To Articles	Dec 24 1984	F584_0736	Change Of Name
	Domestic/Amendment To Articles	Mar 31 1987	G132_0731	Domestic Change Of Shares
	Domestic Agent Subsequent Appointment	Jun 30 1987	G193_0024	
	Merger/Domestic	Mar 30 1989	G602_0333	
	Miscellaneous Filing	Aug 21 1992	H428_1268	
	Merger/Domestic	Mar 26 1993	H564_0543	
	Miscellaneous Filing	Mar 26 1993	H564_0543	
	Domestic Continued Existence Letter	Sep 09 1993	000000080481	
	Domestic Continued Existence	Oct 27 1993	000000080482	
	Trade Name Renewal	Jul 21 1997	5955_1223	
	Merger/Domestic	Dec 31 1999	200000700287	Change Domestic Agent Address
	Trade Name Renewal	Sep 06 2002	200224902080	
	Trade Name/Original Filing	Sep 23 2002	200226603304	

	Domestic Agent Subsequent Appointment	Aug 01 2003	<u>200321302834</u>	
	Trade Name Renewal	Apr 06 2007	<u>200710102752</u>	

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**Prior Business Name Information**

Prior Name	Change Date	Current Name
ERNST READY MIX, INC.	Dec 24 1984	ERNST ENTERPRISES, INC.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on October 16,
2007 by first class mail, postage prepaid, on the following parties:

Ernst Enterprises, Inc.

Robert Wehmeier
Chief Financial Officer
Ernst Enterprises, Inc.
3361 Successful Way
Dayton, OH 45414

ITS Communications

ITS Communications
Fritz Byam, Chief Operating Officer
4079 Park East Court
Grand Rapids, MI 49546



Jon F. Kelly