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October 28, 2011

Ms. Betty McCauley
Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street, 11th Floor
Columbus, OH 43215-3793

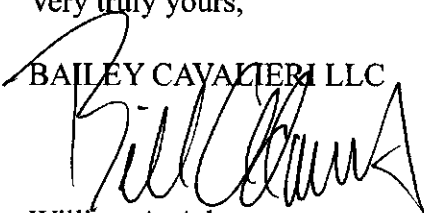
Re: *Ohiotelnet.com, Inc. v. Windstream Ohio, Inc.*, Case No. 09-515-TP-CSS

Dear Ms. McCauley:

Enclosed are the original and fifteen (15) copies of the *Memorandum Contra Ohiotelnet.com, Inc.'s Application for Rehearing* for filing in the above-referenced matter on behalf of Windstream Ohio, Inc. Please time stamp the extra copies of the *Memorandum Contra Application for Rehearing* and return them to our courier.

Thank you for your assistance.

Very truly yours,

BAILEY CAVALIERI LLC

William A. Adams

WAA/sg

Enclosure

cc(w/enclosure): James R. Cooper, Esq. - Via Electronic Transmission

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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OHIOTELNET.COM, INC.,)	
)	
Complainant,)	
)	
v.)	Case No. 09-515-TP-CSS
)	
WINDSTREAM OHIO, INC.,)	
)	
Respondent.)	

**WINDSTREAM OHIO, INC.'S MEMORANDUM CONTRA
OHIOTELNET.COM, INC.'S APPLICATION FOR REHEARING**

Respondent Windstream Ohio, Inc. ("Windstream") submits its Memorandum Contra in response and opposition to Ohiotelnet.com, Inc.'s ("OTN's") Application for Rehearing ("Application") of the Opinion and Order entered on September 20, 2011 ("Order") denying the complaint on the basis that OTN has failed to sustain its burden of proof.

OTN has presented no facts or arguments that have not already been considered by the Public Utilities Commission of Ohio ("Commission"). Instead, OTN simply assumes that, because the Commission did not agree with it, the Commission must have failed to consider OTN's evidence. OTN has presented no reason why it has carried the burden of proof which the Commission correctly recognizes OTN bears. Order at 23.

OTN's "evidence" in this proceeding concerning the validity of its billing disputes was roughly 18,500 pages of exhibits filed the day before hearing consisting of a spreadsheet listing exhibits and copies of Windstream bills. These exhibits, in themselves, do not actually demonstrate the validity of a particular dispute – instead, they merely show the presence of such dispute and the possible appearance of uncredited disputed charges on the pertinent invoice(s).

Ultimately, OTN chose to rely on four examples of supposedly valid billing disputes that it chose to present at hearing and assertions by its witness that such examples were representative of more than 9,000 disputes, despite the lack of supporting evidence in OTN's actual exhibits. Along with each example, OTN presented additional oral commentary supporting its claim.

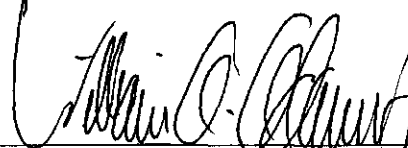
As Windstream demonstrated and the Commission recognized in the Order, OTN did not self-select four examples of valid billing disputes – one being clearly invalid as duplicative. Tr. 56-57, Order at 20. OTN's witness demonstrated the incredible nature of her testimony by ignoring this matter and, instead, later insisting that each and every one of her disputes was legitimate. Tr. 58.

Windstream also explained why whole swaths of billing disputes were invalid sometimes for multiple reasons – not merely that OTN had failed to prove anything. The Commission explicitly accepted at least three of these arguments in the Order – lack of evidence that OTN has not been reimbursed for the tax portion of billing credits (Order at 22), disputes being time-barred (*id.* at 22), and all other Windstream's critiques of OTN's disputes which the Commission correctly considered to be unchallenged (*id.* at 20). Had the Commission chosen to do so, it could have cited even more examples presented by Windstream of categories of invalid OTN billing disputes.

When the lack of proof contained in OTN's exhibits, the demonstrated lack of credibility of OTN's witness, and the Commission's findings regarding entire categories of disputes are considered, there is no reason for rehearing. OTN failed to carry its burden of proof.

Windstream respectfully requests that the Commission deny OTN's Application in all respects and issue an order reaffirming its original Order.

Respectfully submitted,

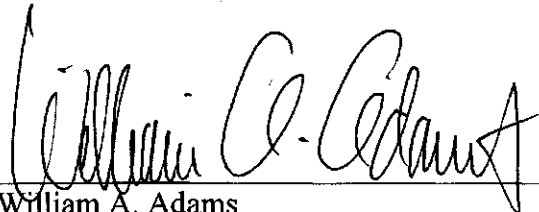


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon Ohiotelnets.com, Inc. by electronic mail this 28th day of October, 2011, to:

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