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January 16, 2013

FILE

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PUCO

Barcy McNeal, Secretary  
Docketing Division  
Public Utilities Commission of Ohio  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, OH 43215-3793

Re: *In the Matter of the Complaint of Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA v. Windstream Ohio, Inc., et al.*  
PUCO Case No. 12-3291-TP-CSS

Dear Ms. McNeal:

Enclosed are the originals and ten (10) copies each of the following documents to be filed in the above-captioned matter:

1. Answer of Respondents Windstream Ohio, Inc. and Windstream NuVox Ohio, Inc. to the Complaint of Complainant Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA; and,
2. Motion to Dismiss of Respondent Windstream Ohio, Inc.

Please time stamp the extra copies of the Answer and Motion to Dismiss 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/encl.): Myron N. Terlecky and Nicholas W. Reeves, Complainant – Via Electronic Mail  
Jon F. Kelly, Respondent AT&T Ohio – Via Electronic Mail

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of	)	
Strip, Hoppers, Leithart, McGrath &	)	
Terlecky Co., LPA	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 12-3291-TP-CSS
	)	
Windstream Ohio, Inc., et al.,	)	
	)	
Respondents.	)	

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**ANSWER OF RESPONDENTS WINDSTREAM OHIO, INC. AND WINDSTREAM  
NuVOX OHIO, INC. TO THE COMPLAINT OF COMPLAINANT STRIP, HOPPERS,  
LEITHART, McGRATH & TERLECKY CO., LPA**

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Now comes Respondents Windstream Ohio, Inc. ("Windstream Ohio") and Windstream NuVox Ohio, Inc. ("Windstream NuVox") (Windstream Ohio and Windstream NuVox collectively referred to as "Windstream"), and for their Answer to the Complaint state as follows:

First Defense

1. In response to the allegations of paragraph 1 of the Complaint, Windstream NuVox admits that Complainant Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA ("Strip, Hoppers") has an office located at 575 South Third St. in Columbus, Franklin County, Ohio.
2. In response to the allegations of paragraph 2 of the Complaint, Windstream Ohio admits that it is an Ohio corporation.
3. Windstream NuVox admits the allegations in paragraph 4 of the Complaint.

4. In response to the allegations of paragraph 5 of the Complaint, Windstream NuVox admits that it entered a Customer Service Agreement with Strip, Hoppers on or about February 8, 2011, a portion of which appears to be attached as "Exhibit A" to the Complaint.

5. In response to the allegations of paragraph 6 of the Complaint, Windstream NuVox admits that Strip, Hoppers is its customer located at 575 South Third Street, Columbus, Ohio.

6. In response to the allegations of paragraph 7 of the Complaint, Windstream NuVox admits that AT&T provides certain telecommunications facilities for Windstream NuVox to provide service to Strip, Hoppers.

7. In response to the allegations of paragraph 8 of the Complaint, Windstream Ohio and Windstream NuVox admit that they are public utilities in the State of Ohio.

8. In response to the allegations of paragraphs 9 through 18 of the Complaint, Windstream NuVox admits that it opened different trouble tickets relating to Strip, Hoppers' account including one on December 5, 2012.

9. Windstream denies the allegations in paragraphs 19 through 21 of the Complaint.

10. Windstream Ohio denies or denies for lack of knowledge all allegations of the Complaint, except those specifically admitted herein.

11. Windstream NuVox denies or denies for lack of knowledge all allegations of the Complaint, except those specifically admitted herein.

#### Second Defense

12. The Public Utilities Commission of Ohio ("Commission") lacks subject matter jurisdiction over some or all of the services in the Complaint pursuant to Ohio Revised Code § 4905.02.

Third Defense

13. Strip, Hoppers has failed to set forth reasonable grounds for the Complaint.

Fourth Defense

14. Windstream Ohio does not provide service to Strip, Hoppers, is not a proper party to this Complaint, and has filed a separation motion to dismiss.

Fifth Defense

15. Windstream has breached no legal duty owing to Strip, Hoppers and its services and practices at all relevant times have been in full accordance with the applicable provisions of law and accepted standards within the telephone industry.

Sixth Defense

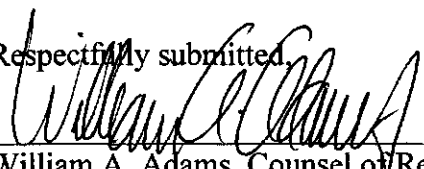
16. Any service quality problems suffered by Strip, Hoppers were not caused by Windstream, but by third parties, including AT&T Ohio.

Seventh Defense

17. Windstream reserves the right to raise further defenses based upon the results of discovery.

WHEREFORE, Windstream respectfully requests that the Commission dismiss the Complaint and grant all other necessary and proper relief to which Windstream is entitled.

Respectfully submitted,

  
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William A. Adams, Counsel on Record  
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Attorneys for Respondents Windstream Ohio, Inc.  
and Windstream NuVox Ohio, Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **Answer of Respondents Windstream Ohio, Inc. and Windstream NuVox Ohio, Inc. to Complaint of Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA** was served by electronic mail this 16<sup>th</sup> day of January, 2013, upon:

Myron N. Terlecky  
[mnt@columbuslawyer.net](mailto:mnt@columbuslawyer.net)

Nicholas W. Reeves  
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A handwritten signature in black ink, appearing to read "William A. Adams", written over a horizontal line.

William A. Adams, Counsel of Record