

**Before the
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of)
Robert T. Hayden Against) Case No. 13-638-TP-CSS
Cincinnati Bell Wireless)

ANSWER

Cincinnati Bell Wireless (“CBW”) hereby responds to the Complaint as follows:

1. The Commission is without jurisdiction over the subject matter of the Complaint. Respondent is a wireless service provider and the subject matter of the Complaint does not relate to any matter over which the Commission has jurisdiction under Revised Code §§ 4927.03(B) or 4927.21. CBW is separately filing a motion to dismiss the Complaint on this basis.
2. Notwithstanding the Commission’s lack of subject matter jurisdiction, the Complaint relates to efforts to get an application to operate on a wireless handset. CBW is without knowledge or information regarding dealings with third parties for whom CBW is not responsible. With respect to any allegations regarding interactions with CBW, CBW acted appropriately and in accordance with its limited contractual obligations.
3. Notwithstanding the Commission’s lack of subject matter jurisdiction, the Complaint has also been satisfied. In accordance with Commission Rule 4901-9-01(C)(4) and 4901-9-01(F), CBW requests the Commission to dismiss the Complaint on that basis as well.

Respectfully submitted,

/s/ Douglas E. Hart _____
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NOTICE TO COMPLAINANT

Cincinnati Bell Wireless has asserted that your complaint has been satisfied. Pursuant to Commission Rule 4901-9-01(F), you have twenty (20) days to file a written response indicating whether you agree or disagree with Cincinnati Bell Wireless' assertion and whether you wish to pursue the complaint. If no response is filed, the Commission may presume that satisfaction has occurred and dismiss the complaint.

CERTIFICATE OF SERVICE

I certify that on this 27th day of March 2013, I served the foregoing Answer and Motion to Dismiss on Robert T. Hayden, P.O. Box 95, Loveland, OH 45140, by first class U.S. mail, postage prepaid.

/s/Douglas E. Hart _____

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Case No(s). 13-0638-TP-CSS

Summary: Answer electronically filed by Mr. Douglas E. Hart on behalf of Cincinnati Bell Wireless, LLC