

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

William Heyman	:	
	:	
Complainant.	:	
	:	Case No. 15-1906-TP-CSS
	:	
vs.	:	
	:	
	:	
Frontier Communications, Inc.	:	
	:	
Respondent.	:	

**ANSWER AND AFFIRMATIVE DEFENSES OF
FRONTIER COMMUNICATIONS, INC.**

Frontier Communications, Inc. ("Frontier"), appearing specially, and through its counsel, answers the November 10, 2015 Complaint ("Complaint") of William Heyman ("Complainant") and raises its affirmative defenses thereto as follows:

A. ANSWER

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1. In response to the first unnumbered paragraph, Frontier lacks knowledge upon which to form a belief as to the truth of the facts alleged and therefore denies the allegations.
2. In response to the second unnumbered paragraph, Frontier lacks knowledge upon which to form a belief as to the truth of the facts alleged and therefore denies the allegations.
3. In response to the third unnumbered paragraph, Frontier admits only that it appears that Complainant and/or his contractor contacted Ohio Underground Protection Service (OUPS) to mark utility lines, including Frontier's cable lines, on the property. Frontier further admits only that telephone cable lines were damaged by Complainant's contractor. Frontier

denies all other allegations for lack of knowledge upon which to form a belief as to the truth of the facts alleged.

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4. In response to the fourth unnumbered paragraph, Frontier lacks knowledge upon which to form a belief as to the truth of the facts alleged and therefore denies the allegations.

5. In response to the fifth unnumbered paragraph, Frontier admits that on or around September 3 – 10, 2015, Frontier repaired cable buried on Complainant's property that had been damaged by Complainant's contractor. Frontier denies all other allegations for lack of knowledge upon which to form a belief as to the truth of the facts alleged.

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6. In response to the sixth unnumbered paragraph, Frontier lacks knowledge upon which to form a belief as to the truth of the facts alleged and therefore denies the allegations.

7. In response to the seventh unnumbered paragraph, Frontier denies that it was negligent in regards to Complainant's property. Further responding, Frontier denies all other allegations for lack of knowledge upon which to form a belief as to the truth of the facts alleged.

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8. In response to the eighth unnumbered paragraph, Frontier lacks knowledge upon which to form a belief as to the truth of the facts alleged and therefore denies the allegations.

9. In response to the ninth unnumbered paragraph, Frontier lacks knowledge upon which to form a belief as to the truth of the facts alleged and therefore denies the allegations.

10. In response to the tenth unnumbered paragraph, Frontier lacks knowledge upon which to form a belief as to the truth of the facts alleged and therefore denies the allegations.

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11. In response to the eleventh unnumbered paragraph, Frontier denies that it was negligent in regards to Complainant's property. Further responding, Frontier denies all other allegations for lack of knowledge upon which to form a belief as to the truth of the facts alleged.

12. Frontier denies all allegations not expressly admitted herein.

B. AFFIRMATIVE DEFENSE

1. The Complaint fails to allege any violation of any rule(s), regulation(s) or law(s), or that any rate or service charge was unreasonable or unjust, that would constitute a violation of any sort of any unlawful action, and thus, the Complaint should be dismissed.

2. Failure to allege damages. Although the Complaint seeks to have large holes restored and filled with dirt, which were created by Complainant's contractor, upon information and belief, Frontier, by or through another entity, has repaired Complainant's property. The Complaint is otherwise devoid of any allegations demonstrating any damage, and thus the Complaint should be dismissed.

3. Frontier reserves the right to raise additional affirmative defenses or to withdraw any of the foregoing affirmative defenses as may become necessary during the investigation and discovery of this matter.

WHEREFORE, Frontier requests that the Complaint be dismissed with prejudice.

Respectfully submitted,

FRONTIER COMMUNICATIONS, INC.



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Counsel for Frontier Communications, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer and Affirmative Defenses of Frontier Communications, Inc., was filed electronically and provided to the person listed below by U.S. mail, postage prepaid, December 28, 2015:

William M. Heyman
15527 Bowling Green Rd. W
Bowling Green, Ohio 43402



This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

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in

Case No(s). 15-1906-TP-CSS

Summary: Answer and Affirmative Defenses of Frontier Communications, Inc. electronically filed by Michele L Noble on behalf of Frontier Communications, Inc.