

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of	)	
Stand Energy Corporation,	)	
	)	
Complainant,	)	
	)	
vs.	)	Case No. 16-1037-TP-CSS
	)	
Windstream Ohio, LLC, et al.	)	
	)	
Respondents.	)	

---

**RESPONDENTS' MEMORANDUM CONTRA MOTION FOR  
DEFAULT JUDGMENT**

---

Complainant Stand Energy Corporation ("Stand Energy") filed a Motion for Default Judgment in this case on June 13, 2016. Respondents Windstream Ohio, LLC, Windstream Nuvox Ohio, LLC and Windstream Communications, LLC (collectively, "Windstream") oppose that motion for the reasons set forth in this memorandum.

Windstream did not receive the service letter, which purportedly was sent on May 10, 2016, a copy of which is attached hereto as **Exhibit 1**. The address on that service letter is incomplete in that it did not include Windstream's statutory agent, CT Corporation System, and misspelled Cleveland. The delivery of the service letter may have failed. The Commission should not entertain a motion for default judgment when the respondent did not get served with the Complaint.

Moreover, the Commission is a creature of statute and it does not have the statutory authority to enter a default judgment. Stand Energy's motion relies on the Ohio Rules of Civil Procedure, which are not applicable to the Commission.

Windstream respectfully requests that Stand Energy's Motion for Default Judgment be denied. Windstream intends to file a motion for leave to file an Answer instant after the 4<sup>th</sup> of July holiday weekend.

Respectfully submitted,

/s/William A. Adams

---

William A. Adams, Counsel of Record  
BAILEY CAVALIERI LLC  
10 West Broad Street, Suite 2100  
Columbus, OH 43215-3422  
(614) 229-3278 (telephone)  
(614) 221-0479 (fax)  
wadams@baileycav.com

*Attorneys for Respondents,  
Windstream Ohio, LLC, Windstream Nuvox Ohio,  
LLC, and Windstream Communications, LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing *Respondents' Memorandum Contra Motion for Default Judgment* will be automatically served via electronic mail through the E-Filing System of the Public Utilities Commission of Ohio upon:

Kate E. Russell-Bedinghaus  
Stand Energy Corporation  
1077 Celestial Street, Suite 110  
Cincinnati, OH 45202-1629  
*Attorney for Complainant*

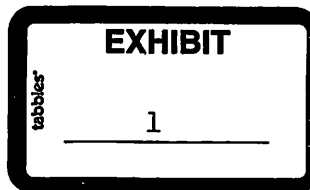
*/s/William A. Adams*

William A. Adams, Counsel of Record



**Public Utilities  
Commission**

John R. Kasich, Governor  
Thomas W. Johnson, Chairman



**Commissioners**

Steven D. Lesser  
Asim Z. Haque  
Lynn Slaby  
M. Beth Trombold

May 10, 2016

Windstream Ohio, Inc. dba  
Windstream Communications Et al  
1300 E 9th Street  
Cleveland, OH 44114

Case No. 16-1037-TP-CSS

To Whom It May Concern:

Enclosed is a copy of a complaint filed with the Public Utilities Commission of Ohio. In accordance with Rule 4901-9-01 of the Ohio Administrative Code (revision effective April 4, 1996), you are hereby directed to file an answer to the complaint with the Commission, and serve a copy of your answer upon the complainant(s), within 20 days after May 10, 2016.

In addition to your answer, you may also file any motion that you find to be appropriate.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Barcy F. McNeal, Secretary  
Tanowa Troupe, Acting Secretary  
Felecia D. Burdett, Acting Secretary

Enclosure  
TMT/pjc

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.  
Technician JE Date Processed MAY 10 2016

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**7/1/2016 8:03:23 AM**

**in**

**Case No(s). 16-1037-TP-CSS**

Summary: Memorandum Contra Motion for Default Judgment electronically filed by Mr. William A. Adams on behalf of Windstream Ohio, LLC and Windstream Nuvox Ohio, LLC and Windstream Communications, LLC