

**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.	)	

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MOTION FOR LEAVE TO FILE ANSWER INSTANTER OF  
RESPONDENTS WINDSTREAM OHIO, LLC, WINDSTREAM NUVOX OHIO, LLC  
AND WINDSTREAM COMMUNICATIONS, LLC  
AND REQUEST FOR EXPEDITED RULING

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Now come Respondents Windstream Ohio, LLC, Windstream Nuvox Ohio, LLC and Windstream Communications, LLC (collectively, "Windstream"), by their attorneys, and pursuant to Rule 4901-1-12, Ohio Adm. Code, hereby move the Public Utilities Commission of Ohio ("Commission") for leave to file their Answer instanter, which is attached to this motion and filed separately in this case, and request an expedited ruling. A memorandum in support of this motion also is attached.

Respectfully submitted,

/s/William A. Adams

William A. Adams, Counsel of Record

BAILEY CAVALIERI LLC

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*Attorneys for Respondents,*

*Windstream Ohio, LLC, Windstream Nuvox Ohio,*

*LLC, and Windstream Communications, LLC*

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MEMORANDUM IN SUPPORT

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As set forth in Respondents' Memorandum Contra Motion for Default Judgment ("Memorandum Contra") filed in this case on July 1, 2016, the Complaint filed by Complainant Stand Energy Corporation ("Stand Energy") with the Commission on May 10, 2016, was not properly served upon Windstream's statutory agent, CT Corporation System. The address on the service letter did not contain the name of Windstream's statutory agent, and "Cleveland" was misspelled. As a result, Windstream did not receive a copy of the Complaint and was unaware of the filing by Stand Energy. Also, as set forth in the Memorandum Contra, the Commission does not have authority to enter a default judgment as requested by Stand Energy on June 13, 2016, and, therefore, should permit Windstream to file its Answer *instanter*. Windstream submits that it has shown good cause for filing its Answer, and respectfully requests leave to file its Answer *instanter*.

Pursuant to Ohio Adm. Code Section 4901-1-12(C), Windstream also respectfully requests an expedited ruling on this Motion to File Answer *Instanter* so that this matter may proceed expeditiously on the merits.

Respectfully submitted,

/s/William A. Adams

William A. Adams, Counsel of Record

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*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 *Motion of Respondents to File Answer Instantly and Request for Expedited Ruling* will be automatically served via electronic mail through the E-Filing System of the Public Utilities Commission of Ohio this 6<sup>th</sup> day of July, 2016, 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

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Windstream Ohio, LLC, et al.	)	
	)	
Respondents.	)	

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ANSWER OF RESPONDENTS  
TO THE COMPLAINT OF  
COMPLAINANT STAND ENERGY CORPORATION

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Now come Respondents Windstream Ohio, LLC, Windstream Nuvox Ohio, LLC and Windstream Communications, LLC (collectively, "Windstream") and for their Answer to the Complaint of Complainant Stand Energy Corporation ("Stand Energy") state as follows:

First Defense

1. In response to paragraph 1 of the Complaint, Windstream admits that Stand Energy has an office located at 1077 Celestial Street, Suite 110, Cincinnati, Ohio 45202-1629, but denies the remaining allegations contained in paragraph 1 for lack of knowledge.
2. Windstream admits the allegations contained in paragraphs 2 to 7 of the Complaint.
3. Windstream denies the allegations contained in paragraph 8 of the Complaint.
4. In response to the allegations in paragraphs 9 to 19, Windstream admits that Stand Energy has attached certain documents to the Complaint, but denies the remainder of the allegations.

5. Windstream denies the allegations contained in paragraphs 20 to 24 of the Complaint.

6. Windstream denies all allegations not explicitly admitted herein.

Second Defense

7. Windstream has breached no legal duty owing to Stand Energy, and Windstream's 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.

Third Defense

8. Windstream previously satisfied the Complaint by crediting Stand Energy's unpaid balance.

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

Respectfully submitted,

/s/William A. Adams

William A. Adams, Counsel of Record

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*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 *Answer of Respondents to the Complaint of Complainant Stand Energy Corporation* will be automatically served via electronic mail through the E-Filing System of the Public Utilities Commission of Ohio this 6th day of July, 2016, 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

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

**Commission of Ohio Docketing Information System on**

**7/6/2016 4:43:44 PM**

**in**

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

Summary: Motion for Leave to File Answer Instanter of Respondents Windstream Ohio, LLC, Windstream Nuvox Ohio, LLC and Windstream Communications, LLC and Request for Expedited Ruling electronically filed by Mr. William A. Adams on behalf of Windstream Ohio, LLC and Windstream Nuvox Ohio, LLC and Windstream Communications, LLC