

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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Richard J. Herrick,)
)
Complainant,)
)
v.)
)
SBC Ohio,)
)
Respondent.)

PUCO

Case No. 04-795-TP-CSS

ANSWER OF SBC OHIO

SBC Ohio¹, for its Answer to the Complaint filed against it, states as follows:

1. SBC Ohio denies that it is misinterpreting its tariff in the manner alleged in the Complaint.

2. SBC Ohio avers that its tariff restrictions that are the subject of the Complaint are reasonable and lawful.

3. SBC Ohio avers that its tariff restrictions that are the subject of the Complaint are similar to restrictions commonplace in business where bargain priced offers cannot be combined with other favorable offers.

¹ SBC Ohio is a registered trade name of The Ohio Bell Telephone Company.

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4. SBC Ohio avers that the Complainant does not have standing to pursue this Complaint and is not the real party in interest in connection with the allegations raised.

5. SBC Ohio denies any other allegation of the Complaint not expressly admitted.

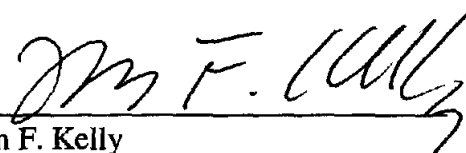
6. SBC Ohio says that it has breached no legal duty owing Complainant and that its service and practices at all relevant times have been in full accordance with all applicable provisions of law and accepted standards within the telephone industry.

7. SBC Ohio says that the Complaint fails to state reasonable grounds for proceeding to hearing against SBC Ohio as required by the provisions of Ohio Revised Code Section 4905.26.

WHEREFORE, having fully answered, Respondent SBC Ohio respectfully prays that this Complaint be dismissed.

Respectfully submitted,

SBC OHIO

By: 

Jon F. Kelly
SBC
150 E. Gay St., Room 4-A
Columbus, Ohio 43215

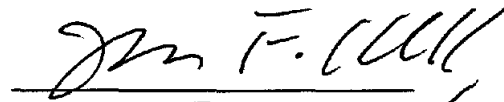
(614) 223-7928

Its Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer of SBC Ohio has been served on the following party by depositing it in the U. S. Mail, postage prepaid, this 11th day of June, 2004.

Richard J. Herrick
Herrick & Associates
16962 Deer Path Drive
Strongsville, Ohio 44136



Jon F. Kelly

04-795.answer