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September 28, 2004

**VIA EXPRESS CARRIER**

Docketing Division  
PUBLIC UTILITIES COMMISSION OF OHIO  
180 East Broad Street  
Columbus, OH 43215

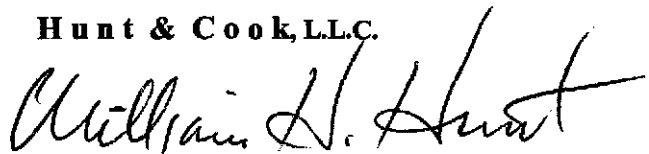
**Re:** *In the Matter of the Complaint of Michael S. Orozco and Horizon  
Companies v. XO Ohio, Inc. & SBC Ohio*  
Public Utilities Commission of Ohio; Case No. 03-2217-TP-CSS

Please find enclosed the original and ten (10) copies of Respondent's Answer to the Complaint in Intervention of Grange Mutual Casualty Company for filing with the Commission in the above captioned matter.

If you have any questions, please contact me. Thank you for your cooperation in this matter.

Very truly yours,

Hunt & Cook, L.L.C.



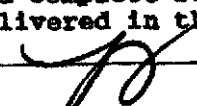
William H. Hunt

Enclosures

cc: Marykay Ryan Fenlon, Esquire  
SBC Ohio

SBC04.0517

RECEIVED-DOCKETING DIV  
2004 SEP 29 PM 12:08  
PUCO

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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING DIV  
2004 SEP 29 PM 12:08  
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MICHAEL S. OREZCO and )  
HORIZON COMPANIES, *et al.*, )  
 )  
Complainants, )  
 )  
v. )  
 )  
XO OHIO, INC. and )  
SBC OHIO, )  
 )  
Respondents. )

Case No. 03-2217-TP-CSS

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**ANSWER OF SBC OHIO TO THE  
COMPLAINT IN INTERVENTION OF  
GRANGE MUTUAL CASUALTY COMPANY**

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Now comes SBC Ohio, by and through counsel, and for its Answer to the Complaint of Intervening Complainant, Grange Mutual Casualty Company (hereinafter, "Intervening Complaint" and "Intervening Complainant") says as follows:

**FIRST DEFENSE**

1. The allegations of Paragraph 1 of the Intervening Complaint are denied for lack of knowledge or information sufficient to form a belief.
2. The allegations of Paragraph 2 of the Intervening Complaint are denied for lack of knowledge or information sufficient to form a belief.
3. The allegations of Paragraph 3 of the Intervening Complaint are admitted.
4. The allegations of Paragraph 4 of the Intervening Complaint are admitted.

5. The allegations of Paragraph 5 of the Intervening Complaint are admitted.
6. The allegations of Paragraph 6 of the Intervening Complaint are denied.
7. The allegations of Paragraph 7 of the Intervening Complaint are denied.
8. In response to the allegations of Paragraph 8 of the Intervening Complaint, Respondent admits that Respondent XO Ohio failed to communicate with Respondent relating to the problems associated with the phone system. All other allegations of Paragraph 8, not specifically herein admitted, are denied.
9. The allegations of Paragraph 9 of the Intervening Complaint are denied.
10. The allegations of Paragraph 10 of the Intervening Complaint are denied.
11. The allegations of Paragraph 11 of the Intervening Complaint are denied for lack of knowledge or information sufficient to form a belief.
12. The allegations of Paragraph 12 of the Intervening Complaint are denied for lack of knowledge or information sufficient to form a belief.
13. The allegations of Paragraph 13 of the Intervening Complaint are denied for lack of knowledge or information sufficient to form a belief.
14. The allegations of Paragraph 14 of the Intervening Complaint are denied for lack of knowledge or information sufficient to form a belief.
15. The allegations of Paragraph 15 of the Intervening Complaint are denied for lack of knowledge or information sufficient to form a belief.
16. The allegations of Paragraph 16 of the Intervening Complaint are denied for lack of knowledge or information sufficient to form a belief.
17. The allegations of Paragraph 17 of the Intervening Complaint are denied for lack of knowledge or information sufficient to form a belief.

18. The allegations of Paragraph 18 of the Intervening Complaint are denied for lack of knowledge or information sufficient to form a belief.

19. The allegations of Paragraph 19 of the Intervening Complaint are denied for lack of knowledge or information sufficient to form a belief.

20. The allegations of Paragraph 20 of the Intervening Complaint are denied.

### **SECOND DEFENSE**

21. The within Intervening Complaint fails to state reasonable cause for complaint as required by Ohio Rev. Code § 4905.26 and fails to state a claim upon which relief may be granted.

### **THIRD DEFENSE**

22. Respondent avers that to the extent the within Intervening Complaint seeks relief in the form of monetary damages, the requested relief is beyond the jurisdiction of this Honorable Commission.

### **FOURTH DEFENSE**

23. Respondent avers that it has breached no legal duty owing Complainant or Intervening Complainant and that its service at all relevant times has been in full accordance with all applicable provisions of law, its tariffs and accepted standards within the telecommunications industry.

### **FIFTH DEFENSE**

24. To the extent Complainant has experienced any problems with the regulated telephone service provided by Respondent, such problems have been caused by the acts

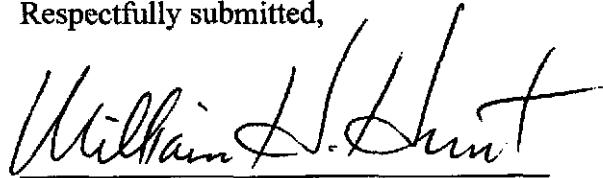
and/or omissions of Complainant or one or more third parties over whom Respondent has no control.

**SIXTH DEFENSE**

25. Respondent reserves the right to raise additional defenses as they become known through discovery and further investigation.

WHEREFORE, having fully answered and set forth its defenses, Respondent prays the within Intervening Complaint be dismissed.

Respectfully submitted,



WILLIAM H. HUNT (0008847)

Trial Attorney

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MARY RYAN FENLON (0040671)

**SBC**

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Attorneys for Respondent SBC Ohio

CERTIFICATE OF SERVICE

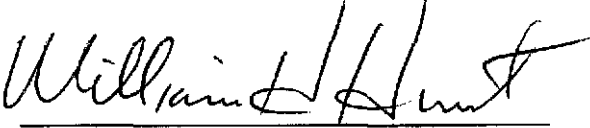
A copy of the foregoing Answer to Intervening Complaint of Respondent SBC Ohio was served upon counsel of record:

Stephen S. DeWeese, Esquire  
HILL ALLISON & DEWEESE, LLC  
7737 Olentangy River Road  
Columbus, OH 43235

Michael D. Dortch, Esquire  
John J. Frost, Esquire  
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P.O. Box 15069  
Columbus, OH 43215-0069

by regular U.S. mail, postage prepaid, this 28<sup>th</sup> day of September, 2004.

  
\_\_\_\_\_  
William H. Hunt (0008847)