

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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2004 APR 29 PM 1:42

PUCO

ABC Chiropractic Ltd and Dr. Michael Brown,)
)
Complainants,)
)
v.)
)
SBC Ohio,)
)
Respondent.)

Case No. 04-515-TP-CSS

ANSWER OF SBC OHIO

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

1. SBC Ohio provides business telephone service to ABC Chiropractic Ltd.
2. SBC Ohio admits that there were delays in the installation and provisioning of ABC Chiropractic Ltd's service.
3. SBC Ohio avers that it has provided the applicable customer billing credits based on the delayed service installation and provisioning.
4. SBC Ohio avers that under its tariff, a customer is entitled to applicable customer billing credits under these circumstances and that the Company's liability is otherwise limited.

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

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5. SBC Ohio avers that the Commission is without jurisdiction to award damages.

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

7. 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.

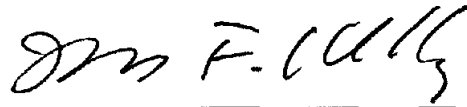
8. SBC Ohio says that the Complaint fails to state reasonable grounds for proceeding to hearing against SBC Ohio as required by the provisions of Ohio Revised Code § 4905.26.

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

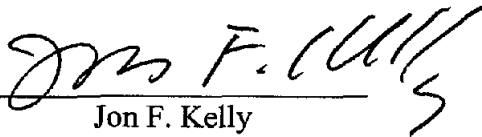
Its Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer of SBC Ohio has been served on the following parties by depositing it in the U. S. Mail, postage prepaid, this 29th day of April, 2004.

ABC Chiropractic and Dr. Michael Brown

H. Ritchey Hollenbaugh
Stephanie M. Rawlings
Carlile Patchen & Murply LLP
366 E. Broad St.
Columbus, Ohio 43215



Jon F. Kelly

04-515.answer