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CHARLES E. THOMAS  
(1913 - 1998)

June 8, 2005

James J. McNulty  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
P. O. Box 3265  
Harrisburg, PA 17105-3265

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FOLDER

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2005 JUN 8 PM 6:13  
SECRETARY'S OFFICE

In re: Albert G. Downer v. ALLTEL Pennsylvania, Inc.  
Docket No. C-20054524

Dear Secretary McNulty:

Enclosed for filing on behalf of ALLTEL Pennsylvania, Inc. are an original and three (3) copies of its Answer and New Matter and Notice to Plead in the above-referenced proceeding. Copies have been served in accordance with the attached Certificate of Service. The Company's Motion to Dismiss is being filed simultaneously under separate cover.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By

Michael L. Swindler

Encls

cc: Certificate of Service  
Donna French  
Laura Zatezalo

RJP

Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Albert G. Downer,  
Complainant

v.

ALLTEL Pennsylvania, Inc.,  
Respondent

Docket No. C-20054524

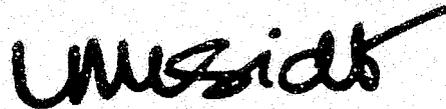
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NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.62 (c), you are hereby notified that, if you do not file a written response to the enclosed New Matter of ALLTEL Pennsylvania, Inc. within twenty (20) days from service of this notice, the facts set forth in the New Matter may be deemed to be true, without requiring other proof. All pleadings such as a Reply to New Matter must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel for ALLTEL Pennsylvania, Inc.



Michael L. Swindler

Attorney for  
ALLTEL Pennsylvania, Inc.

Dated: June 8, 2005

Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Albert G. Downer,  
Complainant

v.

ALLTEL Pennsylvania, Inc.,  
Respondent

Docket No. C-20054524

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ANSWER AND NEW MATTER

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

NOW COMES ALLTEL Pennsylvania, Inc. ("ALLTEL" or "Company"), Respondent herein, by and through its attorneys, pursuant to 52 Pa. C.S. § 5.61 and files this Answer and New Matter to the above-captioned formal complaint of Albert G. Downer and in support thereof states as follows:

1. Admitted.
2. Admitted. By way of further Answer, the full name of the Respondent is ALLTEL Pennsylvania, Inc. ("ALLTEL").
3. Admitted.
4. Denied. It is denied that Complainant had "no phone service" from July 3, 2003 to September 9, 2003. As to the remainder of Complainant's complaint, the Company is without knowledge sufficient to form a belief as to the truth of the matters asserted, and therefore the same are denied and strict proof thereof is demanded.

DOCKETED  
JUN 21 2005

## NEW MATTER

By way of further Answer in the form of New Matter, ALLTEL states the following:

a. According to ALLTEL's records, Complainant established telephone service with ALLTEL on October 11, 1969. ALLTEL provides residential telephone service to Complainant in the name of Albert Downer at 210 Fisher Hollow Road, Waynesburg, PA at account (724) 627-5017.

b. During the course of Complainant's many years of service from ALLTEL, the Company has made every effort to promptly respond to and redress every alleged problem communicated by Complainant to the Company.

c. Complainant previously filed a formal complaint with the Commission at Docket No. C-20031330, which raised the identical subject matter as set forth in the instant complaint. The Company's responsive pleading to that complaint is incorporated herein by reference. Complainant's previous identical complaint was dismissed with prejudice by Commission Final Order entered April 11, 2005.

d. Complainant has made no payment on this account since July 2003.

e. On April 20, 2005, the Company issued a courtesy credit to Complainant's account in the amount of \$884.21 in an effort to satisfy Complainant's concerns. On June 2, 2005, the Company issued a further credit to Complainant's account in the amount of \$21.50. At present, after application of the aforementioned credits, Complainant owes the total amount of \$114.33, comprised of \$90.45 in non-basic charges and \$23.88 in toll charges. Of the total amount, \$95.61 is past due and \$18.72 due on or before June 6, 2005 also remains outstanding.

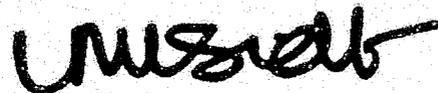
5. The corresponding paragraph of Complainant's complaint is a request for relief to which no response is necessary. Should a responses be deemed appropriate, the Company denies Complainant's claim that another hearing need be held on the subject matter of this complaint. It is denied that the Company did not know Complainant's current telephone number at the time of the telephonic hearing held in the previous complaint, as is further explained in detail in Respondent's Motion to Dismiss filed simultaneously herewith.

WHEREFORE, ALLTEL Pennsylvania, Inc. for the reasons set forth herein respectfully requests that the instant complaint be dismissed.

Respectfully submitted,

ALLTEL PENNSYLVANIA, INC.

By



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Michael L. Swindler

Attorney for  
ALLTEL Pennsylvania, Inc.

**THOMAS, THOMAS, ARMSTRONG & NIESEN**  
212 Locust Street, Suite 500  
P.O. Box 9500  
Harrisburg, PA 17108  
(717) 255-7600

Dated: June 8, 2005

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AFFIDAVIT

STATE OF PENNSYLVANIA :  
COUNTY OF ARMSTRONG : SS:  
:

Donna French, being duly sworn according to law, deposes and says that she is Executive Secretary of ALLTEL Pennsylvania, Inc.; that she is authorized to and does make this affidavit for it; and that the facts above set forth are true and correct to the best of her knowledge, information and belief and she expects the said ALLTEL Pennsylvania, Inc. to be able to prove the same at any hearing.

*Donna L. French*

Donna L. French  
Executive Secretary

Sworn and subscribed before me this 26<sup>th</sup> day of May, 200~~4~~<sup>5</sup>

*Susanna Streightif*  
Notary Public

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Susanna Streightif, Notary Public  
Kittanning Boro, Armstrong County  
My Commission Expires July 15, 2008  
Member, Pennsylvania Association Of Notaries

Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Albert G. Downer,  
Complainant

v.

ALLTEL Pennsylvania, Inc.,  
Respondent

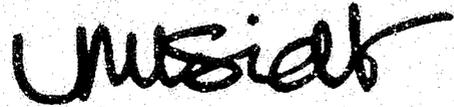
Docket No. C-20054524

CERTIFICATE OF SERVICE

I hereby certify that I have this 8<sup>th</sup> day of June, 2005, served a true and correct copy of the foregoing Answer and New Matter, upon the persons and in the manner indicated below:

FIRST CLASS MAIL, POSTAGE PREPAID

Albert Downer  
210 Fisher Hollow Rd.  
Waynesburg, PA 15370



Michael L. Swindler

SECRETARIAT & BUREAU

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