

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: August 21, 2017

Dr. Jack M Schreffler
Complainant

v.

Complaint Docket No: C-2017-2620418

Windstream Pennsylvania LLC
Respondent

NOTICE TO PLEAD

TO:

Dr. Jack M. Schreffler
1004 N. Phipps Woods Court
Glen Mills, PA 19342

You are hereby notified that Windstream Services LLC ("Windstream") has filed Preliminary Objections to the Formal Complaint filed in the above-captioned matter. Pursuant to 52 Pa. Code § 5.101(b), you may submit a written answer to Preliminary Objections within ten (10) days from the service of this notice. If you do not file a written answer to the Preliminary Objections, the facts set forth by Windstream in the attached Preliminary Objections may be deemed to be true, thereby requiring no other proof and allowing the Administrative Law Judge to rule upon the Preliminary Objections. All pleadings, such as a written answer to the enclosed Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel for Windstream.

Respectfully submitted,



Daniel Pilkington
Counsel II
Windstream Communications, LLC.

4001 N. Rodney Parham Road
Little Rock, Arkansas 72212
T: 501-748-4804
F: 501-748-6222
Daniel.Pilkington@Windstream.com

CERTIFICATE OF SERVICE

I hereby certify that I have this 1st day of September, 2017, served:

Dr. Jack M. Schreffler
1004 N. Phipps Woods Court
Glen Mills, PA 19342

with the foregoing Answer by placing same in the U. S. Mail with sufficient postage attached.

A handwritten signature in cursive script, appearing to read "Daniel Pilkington", is written over a horizontal line.

Daniel Pilkington

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PRELIMINARY OBJECTIONS OF
WINDSTREAM

Pursuant to 52 Pa. Code §§ 5.101(a)(1), Windstream Services, LLC ("Windstream" or "Company") hereby files with the Pennsylvania Public Utility Commission ("Commission") these Preliminary Objections to the Formal Complaint of Dr. Jack M. Schreffler ("Complainant") in the above-captioned docket. Windstream requests that paragraph 5 the Formal Complaint, as it relates to loss or damages, be dismissed based upon the lack of Commission jurisdiction and/or legal insufficiency. In support of its preliminary objections, Windstream avers and represents as follows:

A. Background

1. On or about August 21, 2017, Complainant filed a Formal Complaint with the Commission.

2. The Formal Complaint requests that the Commission order Windstream to pay Dr. Schreffler the amount charged on his charge card for over a year. Complaint at paragraph 5.

B. Standard for Preliminary Objections and Windstream's Request

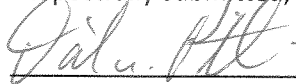
3. Preliminary Objections seeking dismissal may be filed in response to a pleading except motions and prior preliminary objections. 52 Pa. Code §5.101(a).

4. Preliminary Objections allowed by 52 Pa. Code §5.101(a)(1) may be filed due to lack of Commission jurisdiction.

5. Windstream hereby files preliminary objections to the claim and requests that the Commission dismiss the request for loss or damages in the Formal Complaint.

WHEREFORE, for all the reasons set forth above, Windstream respectfully requests that the request for loss or damages in the Formal Complaint filed at Docket No. C-2017-2620418 be dismissed.

Respectfully submitted,



Daniel Pilkington

Counsel II

Windstream Communications, LLC.

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