

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Elaine Buettner,	:	
	:	In the Matter of:
<i>Complainant,</i>	:	
v.	:	Docket No: C-2023-3040322
	:	
Earthlink,	:	
	:	
<i>Respondent.</i>	:	

NOTICE TO PLEAD

To: Elaine Buettner

Pursuant to 52 Pa. Code § 5.63, you are hereby notified that, if you do not file a written response denying or correcting the enclosed Preliminary Objections of Windstream Pennsylvania, LLC in Response to the Formal Complaint within twenty (20) days from service of this Notice, the facts set forth by Windstream Pennsylvania, LLC in the Preliminary Objections may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Windstream Pennsylvania, LLC, and where applicable, to the Administrative Law Judge presiding over the case.

File with:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

With a copy to:

Cary L. Rice
Hangley Aronchick Segal
Pudlin & Schiller
One Logan Square, Floor 27
Philadelphia, PA 19103

*Counsel for Windstream
Pennsylvania, LLC*

Dated: May 22, 2023



Cary L. Rice

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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	:	In the Matter of:
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	:	
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**PRELIMINARY OBJECTIONS OF
WINDSTREAM PENNSYLVANIA, LLC**

Pursuant to 52 Pa. Code § 5.101(a)(1), Windstream Pennsylvania, LLC (“Windstream”) hereby files with the Pennsylvania Public Utility Commission (“Commission”) these Preliminary Objections to the Formal Complaint of Elaine Buettner (“Complainant”) in the above-captioned docket. Windstream requests that the Formal Complaint be dismissed against Windstream because it was filed against the wrong entity. In support of its preliminary objections, Windstream avers and represents as follows:

1. On or about May 1, 2023, Complainant filed a Formal Complaint with the Commission naming “EarthLink” as the Respondent. *See* Formal Compl. ¶ 3.
2. Complainant asserts in the Formal Complaint that her service is provided by “EarthLink” and that the underlying service is provided by “CenturyLink.” *See id.* ¶¶ 3, 6.
3. One of Windstream’s operating companies has a former name of Earthlink Business, LLC. That company does not provide residential services.
4. On May 2, 2023, Windstream was served with the Formal Complaint.
5. In response to Windstream’s inquiry about this matter, the Commission stated that they matched the name “EarthLink” listed as the Respondent by Complainant with “EarthLink Business, LLC, the only licensed utility by that name.”

6. Windstream has reviewed its records and discussed the Formal Complaint with Complainant, and has confirmed that (i) no Windstream entity provides services to Complainant; and (ii) Windstream is not affiliated with the entities identified in Complainant's Formal Complaint.


7. Accordingly, it was an error for Earthlink Business LLC to have been listed as Respondent in this matter.

8. Windstream hereby files preliminary objections to the Formal Complaint and requests that the Commission dismiss the Formal Complaint as it relates to Windstream.

Wherefore, for all the reasons set forth above, Windstream respectfully requests that the Formal Complaint filed at Docket No. C-2023-3040322 be dismissed against Windstream.

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER

Dated: May 22, 2023

By:  _____
Cary L. Rice (Pa. No. 325227)
One Logan Square, Floor 27
Philadelphia, Pennsylvania 19103
(215) 568-6200 (telephone)
(215) 568-0300 (facsimile)
crice@hangle.com

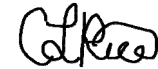
Counsel for Windstream Pennsylvania, LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2023, I electronically filed the foregoing Preliminary Objections of Windstream Pennsylvania, LLC in Response to the Formal Complaint on the Commission's electronic filing system. In addition, I certify that on May 22, 2023, I served a true copy of that document upon the party listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

VIA FIRST CLASS MAIL:

Elaine Buettner
10962 Pine Ave/P.O. Box 141
Fannettsburg, PA 17221



Cary L. Rice