

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

In the Matter of)	Docket No. FCU-2013-0007
)	
The Complaint of Carolyn Frahm)	(C-2013-0025)
)	
)	

**WINDSTREAM'S MOTION TO DISMISS
(Oral Argument Requested)**

Windstream Iowa Communications, Inc. moves the Iowa Utilities Board for an order to dismiss this proceeding for the reason that an identical proceeding was initiated by the Enforcement Bureau of the Federal Communications Commission that has been resolved in a comprehensive Consent Decree that addresses the same issues and the same concerns expressed by the Board and the Office of Consumer Advocate in this proceeding. To continue this proceeding exposes Windstream to unnecessary and vexatious litigation at state and federal agencies and duplicates the efforts of separate governmental units.

Application of the doctrines of comity, abatement, first-filed case and res judicata/issue preclusion require this case to be dismissed. Windstream's Memorandum in Support is filed contemporaneously with this Motion.

Windstream requests oral argument on its Motion.

Respectfully submitted

BELIN McCORMICK, P.C.

By /s/ Richard W. Lozier, Jr.

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ATTORNEYS FOR WINDSTREAM IOWA
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PROOF OF SERVICE

I hereby certify that the foregoing document was automatically served electronically on all parties registered with the Electronic Filing System on: June 27, 2014.

Signature: */s/ Connie Love*

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