

**FCU-2013-0007**

**TRANSMITTAL**

**FILED WITH  
Executive Secretary**

**July 30, 2013**

**IOWA UTILITIES BOARD**

**DATE:** July 30, 2013

**COMPANY NAME:** Windstream Iowa Communications, Inc.

**SUBJECT MATTER:** Response to Verizon's Motion

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**INITIAL FILING:** No

**DOCKET NO.:** FCU-2013-0007  
(C-2013-0025)

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

**FILED WITH  
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In the Matter of )

Docket No. FCU-2013-0007

The Complaint of Carolyn Frahm )

(C-2013-0025)

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**WINDSTREAM’S RESPONSE TO VERIZON’S MOTION**

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Verizon filed its Motion for Clarification seeking a Board order that Verizon is not the subject of the complaint filed in this matter, that Verizon is not a party to this proceeding and that it need not participate further. Windstream Iowa Communications, Inc. responds to Verizon’s motion as follows.

The Board’s order initiating this proceeding granted OCA’s request for formal proceeding and authorized OCA to conduct an investigation of the issues identified in the order “and as they may develop during the course of the proceedings.” OCA’s response says it has no objection to Verizon’s motion, but notes that any order issued should be without prejudice to the Board’s investigative processes. That being the case, at this early stage of the proceeding, before the investigation has even begun, it is premature to determine who are the parties and the subjects of the investigation and to adjudicate that anyone “need not participate further”.

As a practical matter, OCA will primarily decide what issues and subjects to investigate. Based on the allegations of the complaint, it seems unlikely that Verizon will be the target of OCA’s investigation, but no party should be restricted from inquiring into issues that “may develop during the course of the proceedings.” Verizon and OCA can decide whether and to the

extent Verizon needs to participate further, but on the basis of the scant record of this case to date, it is too early to adjudicate that any party is excused from the investigation.

Respectfully submitted

BELIN McCORMICK, P.C.

By /s/ Richard W. Lozier, Jr.

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ATTORNEYS FOR WINDSTREAM IOWA  
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I hereby certify that the foregoing document was automatically served electronically on all parties registered with the Electronic Filing System on July 30, 2013:

Signature: /s/ Laura Brustkern

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