

**BEFORE THE MISSOURI PUBLIC
SERVICE COMMISSION**

Lula Fabyanic,)	
)	
Complainant,)	
)	
v.)	Case No. TC-2005-0174
)	
VarTec Telecom, Inc.,)	
)	
Respondent.)	

ANSWER

Respondent VarTec Telecom, Inc., by its attorneys, answering the Complaint of Lula Fabyanic, alleges and states as follows:

1. VarTec admits the allegations in paragraph 1 of the Complaint, except that VarTec's correct current business address is 2440 Marsh Lane, Carrollton, Texas 75006.

2. Answering paragraph 2 of the Complaint:

a. In response to the allegations contained in complainant's Attachment #1 section titled "Incident #1", at pp. 1-3 and attachments thereto, VarTec generally agrees that Complainant's service was not established within the Company's normal guidelines for this type of request; but maintains that this resulted from insufficient information related to the customer's address. Further, as stated by Complainant, she received a waiver of her transfer-of-service fee, and additional credits to her account, in or about August 2003. That resolution was satisfactory to Complainant, who, although she had other service options available, chose to continue her service with VarTec.

b. In response to the allegations contained in Complainant's Attachment #1, section titled "Incident #2", at pp. 4-6 and attachments thereto, VarTec admits that Complainant requested a move order on or about September 16, 2004, for telephone number (573) 348-5188, to her new residence in Osage Beach, with a request that the move take effect on October 1, 2004, and that the order was not completed on that date. VarTec affirmatively alleges that:

- (1) In the Osage Beach area, it is a reseller of SBC service;
- (2) The delay in the processing of Complainant's move order was principally attributable to two factors: (a) Complainant having furnished incomplete and inaccurate information about her new address to VarTec (i.e., Complainant originally furnished only a Rural Route address rather than a street address, and when she initially furnished a street address, it was not the correct address); and (b) Complainant's newly built residence did not have existing telephone lines provisioned to the premises, and her service commencement therefore had to await the installation of facilities by SBC;
- (3) VarTec diligently worked with SBC to expedite the installation of the necessary facilities;
- (4) The facilities were installed by SBC on or about October 11, 2004, and Complainant's service was initiated by VarTec on or about October 12, 2004; and

(5) SBC buried the cables installed at Complainant's premises
on or about October 17, 2004.

WHEREFORE, VarTec's actions with regard to Complainant's service requests
and the processing of her complaints were in compliance with the Public Service
Commission Law and the regulations promulgated thereunder, and the Complaint
should be dismissed in its entirety.

Dated: March 10, 2005

Respectfully submitted,
BAKER STERCHI COWDEN & RICE, LLC

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CERTIFICATE OF SERVICE

I certify that a true copy of this Motion has been served upon the following by U.S. Mail, postage prepaid, this 10th day of March, 2005:

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