

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

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|--|---|-----------------------|
| NuVox Communications of Missouri, Inc, |) | |
| |) | |
| Complainant, |) | Case No. CC-2009-0435 |
| |) | |
| vs. |) | |
| |) | |
| |) | |
| Southwestern Bell Telephone |) | |
| Company d/b/a AT&T Missouri, |) | |
| |) | |
| Respondent. |) | |

REPLY TO AFFIRMATIVE DEFENSES
AND MOTION FOR MORE DEFINITE STATEMENT

COMES NOW NuVox Communications of Missouri, Inc. (NuVox), pursuant to Commission Order Directing Filing and for its Reply to AT&T Missouri's affirmative defenses, and its motion for more definite statement regarding such affirmative defenses, states that its ability to reply is limited in that AT&T Missouri has only presented conclusory statements and has failed to plead any facts regarding its purported defenses. Accordingly, NuVox moves the Commission to require AT&T Missouri to make a more definite statement of its affirmative defenses in order to more specifically define the issues in this case.

In light of the current limited content of AT&T Missouri's pleading, as its reply NuVox states:

1. NuVox denies the bald assertion that its Complaint fails to state a claim on which relief may be granted.
2. NuVox denies the bald assertions that the Complaint is barred and/or relief thereunder is limited by statute of limitations or contractual claim limitations.

3. NuVox denies the bald assertions that the Complaint is barred and/or relief thereunder is limited by contractual credit claim limitations.

4. NuVox denies the bald assertions that the Complaint is barred and/or relief thereunder limited by contractual bill dispute limitations.

5. NuVox denies the remaining assertions of AT&T Missouri's affirmative defenses.

WHEREFORE, NuVox moves the Commission to direct AT&T Missouri to make a more definite statement of its affirmative defenses, to deny AT&T Missouri's requests for relief, and to grant NuVox the relief sought pursuant to the Complaint.

Respectfully submitted,

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing document was either mailed, faxed, or emailed this 20th day of August, 2009, to the persons listed on the attached service list.

/s/ Carl J. Lumley

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