

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

JACOR Contracting, Inc.,)	
)	
Complainant,)	Case No. CC-2009-0128
)	
vs.)	
)	
NuVox Communications of Missouri, Inc.)	
and Southwestern Bell Communications)	
Company d/b/a AT&T Missouri,)	
)	
Respondents.)	

NUVOX COMMUNICATIONS OF MISSOURI, INC.'S
REPLY TO CROSSCLAIM OF AT&T MISSOURI

COMES NOW NuVox Communications of Missouri, Inc. (NuVox), and for its Reply to the Crossclaim of AT&T Missouri states as follows:

1. NuVox admits the allegations of paragraph 1 of AT&T Missouri's Crossclaim, subject to the clarification that the agreement has been amended and extended since its original approval in 2005.
2. NuVox admits the allegations of paragraph 2 of AT&T Missouri's Crossclaim subject to the clarification that the agreement has been amended and extended since its original approval in 2005.
3. NuVox admits the allegations of paragraph 3 of AT&T Missouri's Crossclaim.
4. NuVox denies that it has an obligation to indemnify AT&T Missouri with respect to JACOR's claim directed to AT&T Missouri, but admits that AT&T has provided a notice and request regarding the matters described in paragraph 4 of its Crossclaim.
5. NuVox denies the allegations of paragraph 5 of AT&T Missouri's Crossclaim and states that it has affirmatively rejected AT&T Missouri's request for indemnification.

6. NuVox denies the allegations of paragraph 6 of AT&T Missouri's Crossclaim.

7. NuVox denies the remaining allegations of AT&T Missouri's Crossclaim and incorporates herein by reference the allegations contained in NuVox's Cross-Complaint Against AT&T Missouri filed in this proceeding on February 13, 2009, as if full set forth herein.

WHEREFORE, having fully answered, NuVox hereby moves for the Commission to dismiss AT&T Missouri's Crossclaim for failure to state a claim upon which relief may be granted and to grant such other and further relief to NuVox as the Commission deems meet and proper in the premises.

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

/s/ Carl J. Lumley

Carl J. Lumley, #32869
130 S. Bemiston, Suite 200
St. Louis, Missouri 63105
(314) 725-8788
(314) 725-8789 (Fax)
Email: clumley@lawfirmemail.com

Attorneys for NuVox Communications
of Missouri, Inc.

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing document was either mailed, faxed, or emailed this 23rd of February, 2009, to the persons listed on the attached service list.

/s/ Carl J. Lumley

General Counsel's Office
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
gencounsel@psc.mo.gov

Lewis Mills
Office of Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

Jennifer Hernandez
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Jennifer.hernandez@psc.mo.gov

Robert J. Gryzmala
Southwestern Bell Telephone Company
d/b/a AT&T Missouri
One AT&T Center, Room 3516
St. Louis, Missouri 63101
Email: Robert.gryzmala@att.com

David M. Skeens
JACOR Contracting, Inc.
1100 Main Street, Suite 2500
City Center Square
Kansas City, MO 64105
dskeens@wbsvlaw.com