

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF:**

<b>JOINT ELECTRONIC APPLICATION OF RED FIBER PARENT ) LLC, RF MERGER SUB, INC., CINCINNATI BELL INC., AND ) CINCINNATI BELL TELEPHONE COMPANY LLC FOR (1) AN ) APPROVAL OF THE PROPOSED INDIRECT TRANSFER OF ) OF CONTROL OF CINCINNATI BELL TELEPHONE ) COMPANY LLC TO RED FIBER PARENT LLC PURSUANT ) TO KRS 278.020(6) AND KRS 278.020(7), OR ALTERNATIVELY, ) PURSUANT TO KRS 278.020(6) AND A DECLARATION THAT ) APPROVAL UNDER KRS 278.020(7) IS NOT REQUIRED; ) (2) NOTICE OF THE PROPOSED INDIRECT TRANSFER OF ) CONTROL OF CINCINNATI BELL EXTENDED TERRITORIES ) LLC AND CBTS TECHNOLOGY SERVICES LLC TO RED ) FIBER PARENT LLC; AND, (3) ALL OTHER REQUIRED ) APPROVALS AND RELIEF )</b>	<b>CASE NO. 2020-00259</b>
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**RED FIBER PARENT LLC, RF MERGER SUB, INC., CINCINNATI BELL INC., AND  
CINCINNATI BELL TELEPHONE COMPLANLY LLC'S  
MOTION TO STRIKE REPLY**

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Come Red Fiber Parent, LLC., RF Merger Sub, Inc., Cincinnati Bell, Inc. and Cincinnati Bell Telephone Company, LLC (“Joint Applicants”), and move the Commission for an order striking the Reply of Time Warner Cable Services (Kentucky), LLC (“Charter”), filed on September 11, 2020 from the record in this case. In support of the motion Joint Applicants state as follows:

1. On August 28, 2020, Charter filed a Motion to Intervene in this case. On September 4, 2020, Joint Applicants filed their Response in opposition to Charter’s Motion to Intervene within the seven (7) days permitted by 807 KAR 5:001, Section 5(2). Seven (7) days later, on

*Mark David Goss*

September 11, 2020, Charter filed its Reply to the Joint Applicants' Response.

2. The Commission's regulations, at 807 KAR 5:001, Section 5(3), provide that "unless the Commission orders otherwise, a party shall file a reply no later than five (5) days of the filing of the most recent response to the party's motion." Therefore, Charter's Reply was due for filing on or before September 9, 2020 meaning that its September 11, 2020, filing was untimely.<sup>1</sup>

3. Due to Charter's failure to timely file its Reply consistent with the Commission's Motion Practice regulation embodied in 807 KAR 5:001, Section 5(1)-(3), the Reply should be ordered stricken from the record.

WHEREFORE, Joint Applicants respectfully request the entry of an order by the Commission striking from the record in this case Charter's Reply to Joint Applicants' Response to the Motion to Intervene.

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<sup>1</sup> 807 KAR 5:001, Section 4(7), Computation of Time, does not extend Charter's deadline for filing a Reply.

Respectfully submitted,

*Mark David Goss*

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