

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE INDIANA UTILITY)
REGULATORY COMMISSION’S INVESTIGATION)
OF TERRACOM, INC. AND ITS COMPLIANCE) CAUSE NO. 44332
WITH THE ORDERS OF THIS COMMISSION)

RESPONSE TO TENDERED EX PARTE COMMUNICATION

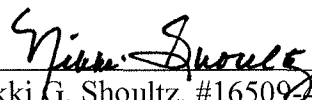
TerraCom, Inc. (“TerraCom”), by counsel, pursuant to 170 IAC 1-1.5-6(b), hereby responds to the ex parte communication tendered to the record of this proceeding via a Docket Entry dated March 11, 2014 (the “Communication”), and states:

1. The author of the Communication is Gary Clowers, a disgruntled former TerraCom sales agent.
2. On information and belief, Mr. Clowers sent via email three (3) prior ex parte communications to the Commission from the address whistlerblowerterracom@hotmail.com that were tendered to the record of this proceeding on October 22, 2013 and December 31, 2013.
3. On or about January 27, 2014, TerraCom and its affiliates filed a lawsuit against Mr. Clowers and Clowers Communications, LLC in the District Court of Oklahoma County for breach of contract, libel, and tortious interference with TerraCom’s business relationships, seeking damages in excess of \$245,000.
4. Four days later, Mr. Clowers filed a federal lawsuit against TerraCom and its affiliates in the Northern District of Georgia.
5. TerraCom disputes the allegations in the Communication regarding amounts owed by the respective parties, which is the subject of the two pending lawsuits.

6. While the Communication must be tendered to the record in accordance with 170 IAC 1-1.5-6(a)(1)(A), TerraCom objects to the admission of the Communication to the evidentiary record of this proceeding.

7. In order to maintain a fair and impartial proceeding in accordance with 170 IAC 1-1.5-6(c), TerraCom objects to any reliance by the Commission on the Communication.

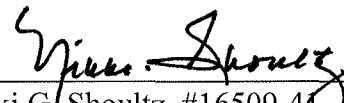
Respectfully submitted,

By: 
Nikki G. Shoultz, #16509-41
Bose McKinney & Evans LLP
111 Monument Circle, Suite 2700
Indianapolis, Indiana 46204
(317) 684-5000

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been served electronically upon the following counsel of record this 12th day of March, 2014:

Karol H. Krohn, Esq.
Office of Utility Consumer Counselor
PNC Center, Suite 1500 South
115 West Washington Street
Indianapolis, IN 46204
kkrohn@oucc.in.gov


Nikki G. Shoultz, #16509-41