

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Amendment of Rules)	
4901-1-01 through 4901-1-05 of the Ohio)	Case No. 07-535-AU-ORD
Administrative Code to Permit the Electronic)	
Filing of Documents.)	

COMMENTS OF THE AT&T ENTITIES

Introduction

On May 9, 2007, the Public Utilities Commission of Ohio ("PUCO" or "Commission") issued a set of Staff-proposed rules establishing, and in some cases amending, certain procedural rules to permit the electronic filing of most documents in all types of Commission cases. The AT&T Entities¹ support this initiative and offer these initial comments to assist the Commission in improving the Staff's proposal and in taking the next step in improving and modernizing its processes.

AT&T is hopeful that the Commission will adopt the Staff's goal of expanding the current trial of electronic filing by adopting rules that will make electronic filing widely available for pleadings in virtually all of its cases. While the Staff proposal is a move toward establishing the necessary procedural rules to accommodate the electronic filing of documents, there are certain proposed rules which AT&T believes are unnecessary. Given appropriate changes as identified in these comments, AT&T urges the Commission to take this important step in its electronic filing program and adopt appropriate rules.

¹ The AT&T Entities are The Ohio Bell Telephone Company ("AT&T Ohio"), AT&T Communications of Ohio, Inc., TCG Ohio Inc., and SBC Long Distance, LLC d/b/a AT&T Long Distance, which are referred to herein as "AT&T."

Source Documents

The May 9, 2007 Entry solicits comments on whether "E-filers" should be required to submit a "source document" with the official PDF document that is filed. Entry, ¶ 7. AT&T submits that such a requirement should not be imposed on E-filers. The Entry posits that the inclusion of source documents would provide greater utility and superior indexing capabilities to the parties and the Commission. Id. AT&T believes that there has not been, nor is there now, a demonstrated need for these documents to routinely be made available when a document is electronically filed. In today's current filing environment, no other "source" document is provided when a filing is made using the traditional "hard copy" process. To now establish this requirement for documents that are electronically filed creates an incremental burden upon e-filers that is not placed on filers choosing to not file their pleadings electronically. If a source document is desired by any party, those parties can contact the E-filer and request a source document in its native format, such as Word or Excel. In AT&T's experience, there is only an occasional need for source documents in their native format, and the infrequency of that need does not justify the burdens on all E-filers and the Commission's resources that would result if a source document were required to accompany every E-filing.

AT&T would note that in the initial trial of the Commission's electronic filing system, (Case No. 05-548-AU-WVR) in which AT&T Ohio was a leading and active participant, source documents were specifically required to be filed. However, in an Entry adopted on July 26, 2006 in Case Nos. 06-900-AU-WVR and 05-548-AU-WVR, the Commission stated that it had "... developed adequate systems and safeguards to expand the use of E-filing beyond the test with AT&T Ohio," and did not continue to impose the requirement to include source

documents with future E-filings. For the Commission to now revert to a requirement that source documents be included would be an unnecessary step backwards.

In the case of some filings made by AT&T, the source document is not readily available. Large interconnection agreements filed by AT&T Ohio are received for filing from AT&T's wholesale business unit in Dallas via e-mail as a series of PDFs, generally one PDF for each section of the agreement. A recent interconnection agreement filing was made up of 37 separate PDFs, received by AT&T Ohio, printed out, filed with Docketing as a hard copy, and ultimately scanned into three PDFs totaling 429 pages by Docketing. AT&T Ohio/Birch Telecom Of The Great Lakes, Inc., Case No. 07-0565-TP-NAG. These interconnection agreements are initially prepared in Word and Excel formats, but are exchanged for signature by the parties as multi-part PDFs. This system was adopted to simplify and speed up the process of entering into interconnection agreements and to get them timely filed in the states. To require the source documents to be included in such a filing would create an Ohio-specific burden that is simply not necessary. As the Commission has established, PDFs are the required standard for such filings, Entry, ¶ 7. Imposing a requirement that the source documents accompany all E-filed PDFs will complicate, rather than simplify, a program whose goal should be simplification and ease of use by E-filers and all other users of the Docketing system.

For these reasons, AT&T urges the Commission to refrain from adopting the unnecessary requirement to include the source documents with every E-filing.

Comments on Specific Rules

Under proposed rule 4901-1-02(F)(2), certain types of documents may not be filed electronically. Among the types of filings listed are documents for which protective or confidential treatment is requested. Proposed rule 4901-1-02(F)(2)(d). AT&T believes the Commission should reconsider the Staff's hesitancy to include these documents in the E-filing program. While the ultimate goal of the Commission in the development of the E-filing system should be to permit the electronic filing of all pleadings, such a prohibition defeats that purpose. Confidential documents are routinely e-mailed and faxed between parties in ordinary commerce. The Commission should strive to include them in its E-filing process, with appropriate safeguards.

The E-filing of confidential documents could be easily accommodated. An additional question could be included in the electronic filing page directing the filing party to state whether a document proposed to be E-filed contains confidential information. An affirmative answer by the filing party would trigger appropriate and more limited distribution of that document and it would not be uploaded to the DIS system. The "public" version of the confidential document, filed at the same time, would be uploaded in the usual manner. This approach is similar to the Kentucky Public Service Commission's current electronic filing system that handles what are called "classified" documents. The expansion of the Ohio system to accommodate the filing of confidential documents would be an appropriate step. The Commission should examine the Staff's rationale for the exclusion of confidential documents and should conclude that those documents may be E-filed. A corresponding change should be made in proposed Rule 4901-1-24(G).

Proposed rule 4901-1-05(C)(3) and (4) provides that a person will note on the front page of any document filed whether or not they agree to accept service via fax (C)(3) or email (C)(4). While on pleadings that utilize a cover letter of some sort, this may be workable, tariff filings do not, on their “cover page”, which is the Telecommunications Application Form, contain any area or check-off box to indicate that the filing party agrees to being served electronically. The Commission should modify the Telecommunications Application Form to permit a filing party to indicate that it chooses to be served electronically. The Commission should also ensure that any forms used by any filing parties on a regular basis contain such a box.

Proposed rule 4901-1-02(F)(9) requires the filing party to maintain both a copy of the filed document as well as a copy of the notice from docketing that the document has been received (the confirmation notice), until the final disposition of the case and through any appeal period. AT&T submits that this requirement is unnecessary as the PUCO’s DIS system already maintains what the Commission calls the “official” version of the filing as well as confirmation that the document has been electronically filed. Once a document is electronically filed and is available on the DIS system, there is no need for the filing party to maintain a copy of the filed document or the confirmation notice for any specified period of time. The maintenance of such records should be at the discretion of the filing party. The proposed requirement should not be adopted.

Conclusion

AT&T applauds the Commission's efforts to expand the opportunities for electronic filing and recommends that the Commission adopt the suggestions it offers on the Staff's proposed rules, thus improving and expanding its E-filing system in an appropriate manner.

Respectfully submitted,

AT&T

By: /s/ Jon F. Kelly

Jon F. Kelly (Counsel of Record)

Mary Ryan Fenlon

AT&T

150 E. Gay St., Rm. 4-A

Columbus, Ohio 43215

(614) 223-7928

Its Attorneys

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Summary: Comments of AT&T electronically filed by Mr. Robert J Wentz on behalf of AT&T