

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of AT&T)
Ohio for Approval of an Alternative Form of)
Regulation of Basic Local Exchange and) Case No. 07-1312-TP-BLS
Other Tier 1 Services Pursuant to Chapter)
4901:1-4, Ohio Administrative Code.)

ENTRY

The attorney examiner finds:

- (1) On December 28, 2007, AT&T Ohio filed its basic local exchange service (BLES) application pursuant to Section 4927.03, Revised Code, and Rule 4901:1-4-09, Ohio Administrative Code (O.A.C.). Pursuant to its application, AT&T Ohio seeks approval of an alternative form of regulation of BLES and other Tier 1 services in the following exchanges: Aberdeen, Canal Winchester, Groveport, Mantua, Murray City, New Albany, Olmsted Falls, Philo, Somerton, South Solon, and Victory.
- (2) Concurrent with the filing of its application, AT&T Ohio filed a motion for a protective order pursuant to Rules 4901-1-24 and 4901:1-4-09(E), O.A.C. The motion for a protective order states that the information for which the confidential information is sought consists of competitive local exchange company (CLEC)-specific information relative to the competitors' presence and services in the telephone exchanges identified in the BLES application. In support of the motion, AT&T Ohio states that nondisclosure of the identified information will not impair the purposes of Title 49, Revised Code, and that the Commission and its staff will still have full access to the information in order to review the competitive showings addressed in the application.
- (3) The motion for a protective order is reasonable and should be granted.
- (4) On January 2, 2008, the office of the Ohio Consumers' Counsel (OCC) filed a motion to intervene in this proceeding. In support of its motion, OCC asserts that it is the state agency that represents Ohio's residential utility customers and, as

such, it is seeking intervention in this case in order to protect the interests of approximately 73,000 residential customers whose rates for basic telephone service could increase as a result of AT&T Ohio's BLES application. Specifically, OCC states that it is essential that the interests of residential customers be represented in order to ensure that this proceeding does not result in unlawful or unreasonable rate increases that will harm the company's residential customers. Further, OCC contends that its request for intervention is consistent with and satisfies the intervention criteria of Section 4903.221(B), Revised Code, and Rule 4901-1-11, O.A.C.

- (5) OCC's motion for intervention is reasonable and should be granted for the purpose of deeming it as a party to this proceeding. As an intervenor, OCC is reminded that it is to act in accordance with the rules set forth in Case No. 06-1305-TP-ORD, *In the Matter of the Application of the Implementation of H.B. 218 Concerning Alternative Regulation of Basic Local Exchange Service of Incumbent Local Exchange Telephone Companies*.

In regard to the issue of discovery, consistent with Rule 4901:1-4-09(I), O.A.C., all parties should electronically serve their discovery requests and all discovery responses should be electronically served within ten days of initially being served with the discovery request. The last date for serving a discovery request is January 29, 2008.

- (6) On January 8, 2008, AT&T Ohio filed a motion requesting additional time for the publication of the requisite legal notice in Hocking, Fairfield, Licking, and Muskingum counties. Specifically, AT&T Ohio explains that although, pursuant to Rule 4901:1-4-09, O.A.C., legal notice publication was to be completed by January 4, 2008, publication did not occur until January 5, 2008, due to time frames outside of the company's control, including the New Year's holiday and time frames associated with the newspapers' prepayment requirements. Specifically, AT&T Ohio requests that the Commission consider the late published legal notices to be in accordance with the Commission's rules.
- (7) AT&T Ohio's motion requesting additional time regarding the publication of legal notice is reasonable and should be granted.

- (8) Finally, objections to the application must be filed on or before February 11, 2008. To the extent that AT&T Ohio desires to file a memorandum contra to objections filed in response to its application, such filing should be made within ten days of the objection. Any objecting party may file a reply within five days of the memorandum contra.

It is, therefore,

ORDERED, That the motion for a protective order is granted in accordance with Finding (3). It is, further,

ORDERED, That the docketing division should maintain for 18 months from the date of this entry, all documents that are currently under seal in this proceeding. It is, further,

ORDERED, That OCC's motion for intervention is granted in accordance with Finding (5). It is, further,

ORDERED, That AT&T Ohio's motion regarding publication of legal notice is granted in accordance with Finding (7). It is, further,

ORDERED, That the discovery and procedural filing schedule proceed in accordance with Findings (5) and (8). It is, further,

ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

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Entered in the Journal

JAN 17 2008

Renee J. Jenkins

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Secretary