

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of United)
Telephone Company of Ohio d/b/a Embarq)
for Approval of an Alternative Form of)
Regulation of Basic Local Exchange and) Case No. 08-1041-TP-BLS
Other Tier 1 Services Pursuant to Chapter)
4901:1-4, Ohio Administrative Code.)

ENTRY

The attorney examiner finds:

- (1) On August 29, 2008, the applicant, United Telephone Company of Ohio d/b/a/ Embarq (Embarq) 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, Embarq seeks approval of an alternative form of BLES and other tier 1 services in the following 44 exchanges: Anna, Archbold, Bellefontaine, Botkins, Bucyrus, Cardington, Centerburg, Chesterville, Cortland, De Graff, Defiance, Delphos, Johnstown, Johnsville, Lafayette, Lexington, Lima, Lucas, Mansfield, Marengo, Marshallville, Marysville, Morrow, Mt. Gilead, Mt. Sterling, Mt. Vernon, Napoleon, Orrville, Ottawa, Pataskala, Rittman, Russells Point, Shelby, Sidney, Smithville, Sunbury, Utica, Van Wert, Warren, Waterville, Wauseon, West Mansfield, Westminster, and Wooster.
- (2) Concurrent with the filing of its application, Embarq filed a motion for protective order pursuant to Rules 4901-1-24 and 4901:1-4-09(E), O.A.C. The motion for protective order indicates that the information for which the confidential treatment is sought consists of competitive local exchange company-specific information relative to the competitors' presence and services in the telephone exchanges identified in Embarq's BLES application. In support of the motion, Embarq states that nondisclosure of the information for which the confidential treatment is sought 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 made in the application.

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- (3) Having examined the motion, the attorney examiner concludes that Embarq's August 29, 2008, motion for protective order is reasonable and should be granted.
- (4) On September 4, 2008, the office of the Ohio Consumers' Counsel (OCC) filed a motion to intervene in this proceeding. In its motion OCC asserts that it is the state agency that represents Ohio's residential utility consumers and that it seeks intervention to protect the interests of approximately 170,000 Embarq customers in the 44 exchanges whose rates could be subject to annual increases because of Embarq's application. OCC adds that it satisfies the intervention standard in Section 4903.221, Revised Code, because Embarq's proposed rate increases may adversely affect residential telephone customers. OCC also asserts that its role as a residential utility consumer advocate complies with the standards set forth in Rule 4901-1-11(A), O.A.C, which require that a party must have a real and substantial interest in a proceeding to intervene.
- (5) OCC's motion to intervene is reasonable and should be granted. As an intervenor, OCC is reminded that it must 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*.
- (6) Embarq, to the extent that it desires to file a memorandum contra to any objections filed in response to its application, must file such memorandum contra on or before October 31, 2008. Any entity who filed objections to Embarq's application, to the extent that it desires to file a reply to any such Embarq memorandum contra, must file its reply within five days of the date on which Embarq's memorandum contra is filed.

It is, therefore,

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

ORDERED, That OCC's motion for intervention is granted in accordance with Finding (5). 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 the procedural schedule for the filing of any further pleadings in response to filed objections to Embarq's application shall proceed in accordance with Findings (6). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Daniel E. Fullin
Attorney Examiner

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Entered in the Journal

OCT 22 2008



Renee J. Jenkins
Secretary