

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Sage Telecom,)	
Inc. for a Waiver of Certain Minimum Telephone)	
Service Standards as set Forth in Chapter 4901:1-)	Case No. 09-156-TP-WVR
5, Ohio Administrative Code.)	

In the Matter of the Application of Nexus)	
Communications, Inc. d/b/a TSI for a Waiver of)	
Certain Minimum Telephone Service Standards as)	Case No. 09-159-TP-WVR
set Forth in Chapter 4901:1-5, Ohio)	
Administrative Code.)	

In the Matter of the Application of LDMI)	
Telecommunications d/b/a Cavalier Telephone)	
d/b/a Cavalier Business Communications d/b/a)	
Cavalier Telephone & TV and Talk America Inc.)	
d/b/a Cavalier Telephone d/b/a Cavalier Business)	Case No. 09-160-TP-WVR
Communications d/b/a Cavalier Telephone & TV)	
For a Waiver of Certain Minimum Telephone)	
Service Standards as set Forth in Chapter 4901:1-)	
5, Ohio Administrative Code.)	

**JOINT REPLY TO
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL'S
MEMORANDA CONTRA MOTIONS FOR WAIVERS OF
OHIO ADMINISTRATIVE CODE RULE 4901:1-5-03(B) FOR
AUTOMATIC DISTRIBUTION OF WHITE PAGES DIRECTORIES TO CONSUMERS**

On March 3, 2009, Sage Telecom, Inc., Nexus Communications, Inc. d/b/a TSI, and LDMI Telecommunications d/b/a Cavalier Telephone d/b/a Cavalier Business Communications d/b/a Cavalier Telephone & TV and Talk America Inc. d/b/a Cavalier Telephone d/b/a Cavalier Business Communications d/b/a Cavalier Telephone & TV (collectively, "CLECs"), separately filed with the Public Utilities Commission of Ohio ("Commission") Applications for a waiver of certain Minimum Telephone Service Standards ("MTSS") as set forth in Chapter 4901:1-5 of the

Ohio Administrative Code (“OAC”). Specifically, the CLECs seek a waiver of Rule 4901:1-5-03(B) to the same extent approved by the Commission in Finding and Order in Case No. 09-42-TP-WVR on February 11, 2009 concerning AT&T Ohio’s application.

The CLECs are seeking this waiver in order to remain in compliance with the MTSS, as each of the CLECs is dependent upon AT&T Ohio for wholesale directory services. AT&T Ohio had notified the CLECs that directory services would be provided to the CLECs’ retail customers in the same manner as AT&T Ohio would be providing such services to its own retail customers. In other words, the waiver granted to AT&T Ohio would apply on both a retail and wholesale level.

On March 18, 2009, the Office of the Ohio Consumers’ Counsel (“OCC”) filed in each of the above referenced proceedings Motions to Intervene and Memoranda Contra the Waivers of Ohio Administrative Code Section 4901:1-5-03(B) for Automatic Distribution of White Pages Directories to Consumers (collectively “OCC Memo”). The OCC’s memoranda contra are more squarely aimed at the Commission’s Finding and Order in Case No. 09-42-TP-WVR; and indeed, the OCC filed its application for rehearing in that case on March 13, 2009.

While the CLECs generally support the Commission’s decision to grant AT&T Ohio a waiver, the CLECs are very concerned about being competitively compromised by having costs forced upon them as a result of the waiver granted to AT&T Ohio. The CLECs find themselves caught in the middle of a policy dispute between AT&T Ohio, OCC, and ultimately, the Commission.

The OCC takes issue with the mode of customer notification approved by the Commission in Case No. 09-42-TP-WVR generally, but then takes particular issue with the CLECs’ request because the CLECs’ customers do not receive telephone service from AT&T

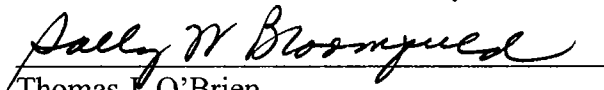
Ohio. OCC Memo at p. 3. The OCC takes it upon itself to ordain that the informational notice within the AT&T Ohio yellow pages will somehow be insufficient to customers. OCC Memo at p. 9. The OCC's concerns are baseless for a number of reasons.

First, the OCC notes that there is no guarantee that the CLECs' customers will retain the AT&T Ohio yellow pages directory. *Id.* The OCC does not bother to explain how any other form of notice might be more permanent. Actually, as between a bill insert, bill memo or the front of the yellow pages, the yellow pages is a much more logical place to put *directory-related* information. Customers are long accustomed to useful information being placed in the front of the printed directory. Logic would dictate that *directory-related* information would be found in the *directory*, not the monthly bill. Further, while it is conceivable that customers may dispose of the AT&T Ohio yellow pages, the probabilities do not favor the notion that a bill insert would be any more effective. Indeed, the shelf-life of a bill insert would be far shorter.

The OCC raises the concern that the retail customers of the CLECs may not make the connection that they need to contact AT&T Ohio in order to receive a printed residential directory because the CLECs' customers are accustomed to dealing with the particular CLEC, rather than AT&T Ohio. OCC Memo at p. 10. The fallacy in this argument is that the CLECs' customers have *no* experience in dealing directly with the CLECs for directory services. Such services have *always* been provided directly by AT&T Ohio on a wholesale basis. The most logical placement of the instructions for obtaining a residential white pages directory is *in the informational portion of the directory*. This is precisely what AT&T Ohio had proposed and it is what the Commission has approved. In its memoranda contra, OCC provides absolutely no reason to revisit the issue.

WHEREFORE, the CLECs request the Commission grant the requested waiver of MTSS Rule 4901:1-5-03(B)(1), consistent with the waiver granted to AT&T Ohio in Case No. 09-42-TP-WVR.

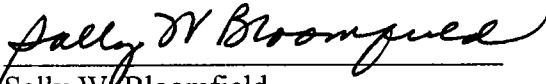
Respectfully submitted on behalf of,
Sage Telecom, Inc.
Nexus Communications, Inc. d/b/a TSI and
LDMI Telecommunications d/b/a Cavalier Telephone d/b/a
Cavalier Business Communications d/b/a Cavalier Telephone & TV
Talk America Inc. d/b/a Cavalier Telephone d/b/a Cavalier
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CERTIFICATE OF SERVICE

The undersigned hereby acknowledges that a copy of the foregoing REPLY was served by electronic mail this 25th day of March 2009.


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Summary: Reply of Joint CLECs to Office of the Consumers' Counsel's Memoranda Contra electronically filed by Teresa Orahoad on behalf of Sage Telecom, Inc. and Nexus Communications Inc. dba TSI and Cavalier Telephone