

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The Ohio )  
Bell Telephone Company for Approval of ) Case No. 93-487-TP-ALT  
an Alternative Form of Regulation. )

In the Matter of the Complaint of the Office )  
of the Consumers' Counsel, )

Complainant, )

v. )

The Ohio Bell Telephone Company, )

Respondent. )

93  
Case No. ~~95~~-576-TP-CSS

In the Matter of the Complaint of Time )  
Warner AxS of Ohio, L.P. and Time Warner )  
Communications of Ohio, L.P., )

Complainants, )

v. )

Ameritech Ohio, )

Respondent. )

Case No. 96-66-TP-CSS

ENTRY ON REHEARING

The Commission finds:

- (1) On January 16, 1996, in Case Nos. 93-487-TP-ALT, *Application of The Ohio Bell Telephone Company for Approval of an Alternative Form of Regulation*, and 93-576-TP-CSS, *Complaint of the Office of the Consumers' Counsel v. The Ohio Bell Telephone Company*, Time Warner Communications of Ohio, L.P. and Time Warner AxS (Time Warner) filed a motion to suspend alternative regulation authority granted by the Commission to Ameritech Ohio (Ameritech) in Case No. 93-487-TP-ALT. In addition, or in the alternative, Time Warner requested that the Commission treat the motion as a complaint under Section 4905.26, Revised Code.

- (2) In its entry issued on January 24, 1996, the Commission found that it was not appropriate at that time to reach the question of the degree of interrelationship between the issue of an interim interconnection agreement between Time Warner and Ameritech and Ameritech's alternative regulation case. The Commission did, however, grant Time Warner's requested alternative relief to treat its motion as a complaint, pursuant to Section 4905.26, Revised Code. Accordingly, the Commission opened up a complaint case, Case No. 96-66-TP-CSS. In addition, the Commission directed Time Warner to redraft its motion in proper complaint form if Time Warner chose to pursue the matter as a complaint.
- (3) On January 29, 1996, Time Warner filed an Application for Rehearing, alleging that the Commission erred by refusing to address the interrelationship between Time Warner's grievances and Ameritech's alternative regulation authority, and by finding that the pleading filed by Time Warner was not in appropriate complaint format.
- (4) On February 8, 1996, Ameritech filed a memorandum contra the Application for Rehearing.
- (5) As to Time Warner's first assignment of error, we are very perplexed since Time Warner, in the alternative, requested that its motion be considered as a complaint. Further, Time Warner has stated no ground for rehearing, since, in the Commission's January 24, 1996 entry, we clearly stated that, "[w]e do not feel it appropriate at this time to reach the question of the degree of interrelationship between this matter and Ameritech's alternative regulation case" (emphasis added). By this language, the Commission has not foreclosed itself from ever addressing the interrelationship of the issues presented by Time Warner in its motion, as may be implied by Time Warner's application for rehearing. Moreover, Time Warner's grievances are being addressed in a more expeditious manner by way of the complaint process since the Commission did not have to contemplate them initially within the complex alternative regulation docket. Time Warner's request for rehearing on this issue should be denied.
- (6) Time Warner's second assignment of error is also without merit. Time Warner's motion of January 16, 1996, did not clearly set forth the grounds for complaint in a manner by


which Ameritech could readily respond. As evidenced by our ruling on February 8, 1996, reasonable grounds for complaint were stated in Time Warner's complaint filed on January 29, 1996. We did not intend in any way to delay this proceeding by having Time Warner refile its complaint. As evidenced by our February 8, 1996, entry, we are committed to an expedited process which will resolve the issues raised by Time Warner.

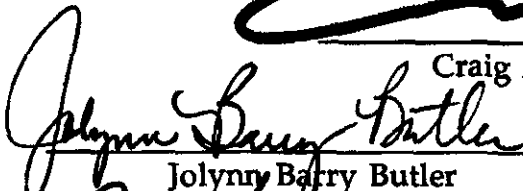
It is, therefore,

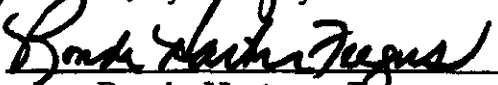
ORDERED, That Time Warner's application for rehearing is denied. It is, further,

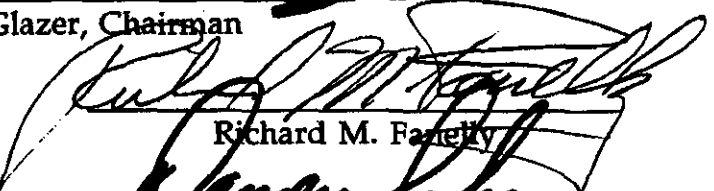
ORDERED, That a copy of this Entry be served upon all parties of record.

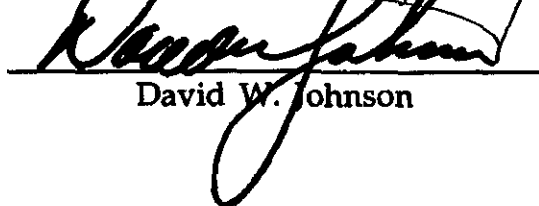
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Craig A. Glazer, Chairman

  
Jolynn Barry Butler

  
Ronda Hartman Fergus


  
Richard M. Fanelly

  
David W. Johnson

MKF/pdc

Entered in the Journal  
FEB 15 1996

A True Copy

  
Gary E. Vigorito  
Secretary