

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Adoption of	)	
Rules to Implement Substitute	)	Case No. 10-1010-TP-ORD
Senate Bill 162	)	

**INITIAL COMMENTS OF VERIZON<sup>1</sup>**

Verizon provides these comments in response to the Public Utilities Commission of Ohio’s (“PUCO” or “Commission”) July 29, 2010 Entry on Staff’s proposed rules for implementation of Substitute Senate Bill 162. Sections for which Verizon has recommended changes are shown separately below, along with a redlined version of the impacted rule.

**4901:1-6-12 Service Requirements for BLES**

Rule 4901:1-6-12(C)(10) prescribes mandatory language for informing customers how to contact the PUCO regarding a disconnection and, for residential customers, similar mandatory language for explaining how to contact the Ohio Consumers’ Counsel (“OCC”). Verizon recommends that the specific language used be left to the discretion of the local exchange carrier, given bill messaging length constraints, as long as it contains pertinent information regarding how to contact the Commission or the OCC. The most important information is toll free contact numbers, days and hours of operation, and Internet website addresses for the PUCO and OCC. Verizon’s proposed language for the rule is shown below.

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<sup>1</sup> “Verizon” refers to Verizon Long Distance LLC; Verizon Enterprise Solutions LLC; Verizon Select Services Inc.; MCI Communications Services, Inc. d/b/a Verizon Business Services; MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services; Teleconnect Long Distance Services and Systems Company; TTI National Inc.; and Cellco Partnership d/b/a Verizon Wireless.

Such notice of disconnection may be included on the customer's next bill, provided the bill is postmarked at least seven days prior to the date of disconnection of service reflected on the bill, and provided that the disconnection language is clearly highlighted such that it stands apart from the customer's regular bill language. The notice shall identify the minimum dollar amount to be paid to maintain BLES, the earliest date disconnection may occur, ~~and the following statement:~~ and Commission website and toll free contact numbers with day and time availability if residential or business customers have a complaint regarding a disconnection notice. Similar contact information for the Ohio Consumers' Counsel will also be provided for residential disconnection notices.

~~"If you have a complaint in regard to this disconnection notice that cannot be resolved after you have called (name of the utility), or for general utility information, residential and business customers may contact the Public Utilities Commission of Ohio for assistance at 1-800-686-7826 (toll free) or for TTY at 1-800-686-1570 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at [www.puco.ohio.gov](http://www.puco.ohio.gov)."~~

~~For residential disconnection notices, the text shall also include:~~

~~"Residential customers may also contact the Ohio Consumers' Counsel for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at [www.pickoec.org](http://www.pickoec.org)."~~

#### 4901:1-6-16 Unfair or Deceptive Acts and Practices

Rules 4901:1-6-16(D) and 1-6-16(F) should be deleted from Staff's proposed rules.

Regarding Section (D) and the furnishing of credit and deposit policies, if "credit and deposit policies" means the decision points companies set in determining the amount of surety to require based on potential risk of default, this would require the companies to make available business proprietary information. Additionally, many companies use custom credit scorecards, and the decision points would be meaningless to an applicant or customer who is only familiar with FICO credit scores. Companies also change credit and deposit policies over time, in a consistent and non-discriminatory manner, and need

to be free to do this. Moreover, there is strong federal law (the Fair Credit Reporting Act and the Equal Credit Opportunity Act) that governs what factors can and cannot be considered in making credit-worthiness decisions. Under these laws, if an applicant is surety required, and does not pay the deposit requested, a letter must be sent to the applicant stating the primary reasons for the surety requirement and, if information is obtained from a Consumer Reporting Agency, identifying the Consumer Reporting Agency, providing contact information for the Consumer Reporting Agency, and advising the applicant of the right to a free credit report. There is no need for this section in the proposed rules and it should be deleted.

Section (F) should either be rewritten to clarify exactly what companies are expected to do to “comply with the same requirements that consumer reporting agencies follow when issuing credit reports” or, more preferably, should be deleted. The rules for users of consumer credit reports (Section 615) and furnishers of information to Consumer Reporting Agencies (Section 623) are clearly defined in the Fair Credit Reporting Act. As recently as July 1, 2010, creditors furnishing information to Consumer Reporting Agencies were required to implement written programs regarding Accuracy and Integrity of Credit Reporting. Any obligations placed on entities that do issue consumer credit reports are also clearly defined in the Fair Credit Reporting Act. Verizon does not issue credit reports. If this rule is intended to ensure companies comply with federal law, it is redundant. If it seeks to impose requirements not applicable to companies that do not issue credit reports, it is inappropriate. In either case, the section should be deleted.

#### 4901:1-6-31 Emergency and Outage Operations

Rule 4901:1-6-31(E) prescribes a level of detail for outage reporting that is unnecessary. Differing criteria and reporting requirements across all states and the FCC have made the emergency and outage reporting process burdensome and time-consuming. A company's primary responsibility during such times should not be to report what happened according to a set of subscribed rules but to restore service as quickly as possible and ensure the safety of the general public and the company's workforce. Verizon recommends companies are given the option to provide the PUCO with the same information they provide to the FCC. Alternatively, companies may decide to follow the reporting requirements contained in 4901:1-6-31(E).

(E) Each facilities-based LEC experiencing an outage described under paragraphs (B) and (C) of this rule, shall electronically submit to the commission's outage coordinator the same information as that provided to the FCC or the following information:

- (1) A notification that it has experienced a outage, which shall include the name of the reporting entity, the date and time of the onset of the outage, a brief description of the problem, the particular service affected, the geographic area affected by the outage, the number of customers affected, an estimate of when the service, including 9-1-1, will be restored, and a contact name and telephone number by which the commission's outage coordinator may contact the reporting entity.
- (2) Not later than seventy-two hours after discovering the outage, an initial communications outage report, which shall include all pertinent information then available on the outage and shall be submitted in good faith.
- (3) Not later than thirty days after discovering the outage, the provider shall submit electronically a final communications outage report, which shall include all pertinent information on the outage, including any information that was not contained in, or that has changed from that provided in, the initial report.

#### 4901:1-6-37 Assessments and Annual Reports

Rule 4901:1-6-37(A) states, “Every telephone company and every wireless service provider shall file an annual report...” However, Rule 4901-1-6-24(D) states, “Wireless service providers are required to submit, at the time and in the manner prescribed by the commission, an annual assessment report...” The requirement in 4901:1-6-37(A) is over prescriptive and does not represent the status quo. Wireless providers are currently only required to submit an annual report which is equivalent to its assessment report. Rule 4901:1-6-37(A) should be modified accordingly.

Every telephone company shall file an annual report and every wireless service provider shall ~~file-submit~~ an annual assessment report, as required by the commission each year and in the format prescribed by commission entry. The annual report shall be limited to information necessary for the commission to calculate the assessment provided for in section 4905.10 of the Revised Code. The commission shall protect any confidential information in every company and provider report.

#### Conclusion

Verizon requests the Commission adopt its comments and the Staff’s proposed rules be amended accordingly.

Respectfully submitted,

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Summary: Comments - Initial Comments of Verizon electronically filed by Carolyn S Flahive on behalf of Verizon