

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of AT&T Ohio	)	
For Approval of an Alternative Form of	)	Case No. 06-1013-TP-BLS
Regulation of Basic Local Exchange	)	
and Other Tier 1 Services Pursuant to	)	Case No. 07-259-TP-BLS
Chapter 4901:1-4, Ohio Administrative Code.	)	

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AT&T OHIO'S MOTION TO DISMISS

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AT&T Ohio<sup>1</sup>, by its attorneys and pursuant to Ohio Admin. Code § 4901-1-12(A), moves to dismiss the "show cause" motions filed the Ohio Consumers' Counsel ("OCC") on March 13, 2008 and June 13, 2008 and the motion for a protective order filed by AT&T Ohio on September 25, 2008 in the captioned cases. The passage of Sub. S. B. 162, effective September 13, 2010, and the adoption of implementing rules by the Commission, effective January 20, 2011, have rendered moot the issues raised in all three motions. Under these circumstances, all three motions should be dismissed. A memorandum in support of this motion is attached.

Respectfully submitted,

AT&T Ohio

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<sup>1</sup> The Ohio Bell Telephone Company uses the name AT&T Ohio.

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MEMORANDUM IN SUPPORT OF  
AT&T OHIO'S MOTION TO DISMISS

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Three motions filed in the captioned cases have been rendered moot by the passage of Sub. S. B. 162, effective September 13, 2010 and the adoption of implementing rules by the Commission, effective January 20, 2011. In its motions filed on March 13, 2008 and June 13, 2008, OCC sought "show cause" orders concerning the prior granting of alternative regulation for basic local exchange service for certain of AT&T Ohio's exchanges. In its motion filed September 25, 2008 AT&T Ohio sought a protective order against OCC's discovery in the cases. There is no longer a process to "reopen" a prior alternative regulation determination, as the statute (former R. C. § 4927.03) and the rule (O. A. C. § 4901:1-4-12) which provided for such a process have been repealed and rescinded, respectively. It is therefore appropriate that the three motions pending in these cases be dismissed.

Respectfully submitted,

AT&T Ohio

By:                     /s/ Jon F. Kelly                      
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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served via first class mail, postage prepaid, or by e-mail, where noted, on the parties listed below on this 1st day of March, 2011.

\_\_\_\_\_  
/s/Jon F. Kelly

Jon F. Kelly

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Certificate of Service

I hereby certify that a copy of the foregoing has been served by e-mail this  
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Summary: Motion to dismiss and memorandum in support electronically filed by Jon F Kelly  
on behalf of AT&T Ohio