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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
The Ohio Bell Telephone Company)
for Approval of an Alternative)
Form of Regulation.)
)

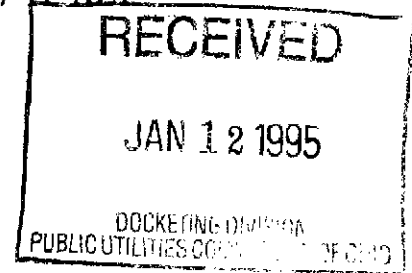
Case No. 93-487-TP-ALT

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

v.)
)

Ohio Bell Telephone Company,)
Respondent.)

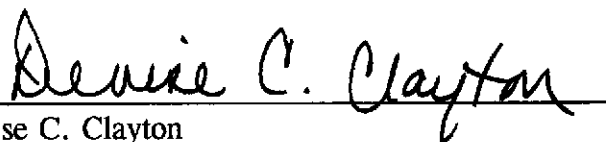
Case No. 93-576-TP-CSS



MOTION TO ENFORCE PROVISION OF STIPULATION

Now comes Time Warner AxS and respectfully requests that, if the Commission intended to enforce the rates resulting from the Stipulation approved by its Opinion and Order of November 23, 1994, pursuant to the Entry it issued on January 5, 1995, then the Commission should forthwith enforce another provision of the Stipulation. The reasons for this Motion are fully explained in the attached Memorandum in Support.

Respectfully submitted,



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**BEFORE
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In the Matter of the Application of)	
The Ohio Bell Telephone Company)	Case No. 93-487-TP-ALT
for Approval of an Alternative)	
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)	
Ohio Bell Telephone Company,)	
Respondent.)	

MEMORANDUM IN SUPPORT

Now comes Time Warner AxS ("Time Warner") an intervenor in these proceedings, and respectfully requests that the Commission enforce certain provisions of the Stipulation submitted in these proceedings on September 20, 1994. The Commission issued its Opinion and Order in this matter on November 23, 1994. On January 5, 1995, the Commission ruled on various accounting applications (Case Nos. 88-1549-TP-AEC, 89-1147-TP-ATA, 94-1132-TP-ATA, 94-1472-TP-ATA, 94-1615-TP-ATA, 94-1076-TP-ATA, 94-1925-TP-ATA, 94-1939-TP-ATA and 94-2004-TP-ATA) and approved Ameritech Ohio's tariff to implement the rates set forth in its alternative regulation plan (93-487-TP-ALT). Without speaking to the specifics of the actions that were taken in the various accounting applications, Time Warner notes that in the Commission's Entry of January 5, 1994, the Commission found that the Stipulation approved in its November 23, 1994 Order established certain revenue reductions to be phased-in, rate

changes, caps on certain rates and limited price cap regulation on certain non-core services. Applicant submitted for Commission review and approval copies of its tariffs to be effective on January 9, 1995. Pursuant to Finding No. 4 of the Commission's January 5th Entry, the Applicant's proposed tariffs were found to be consistent with the Commission's Opinion and Order in Case No. 93-487-TP-ALT. Thus, the Commission approved the tariff with the exception of revisions to the operator service rates in accordance with directives contained in the Entry.

From the January 5th Entry, it appears that the Commission has, without regard to the various issues set forth in the Applications for Rehearing still pending in Case No. 93-487-TP-ALT, proceeded to put into effect Ameritech Ohio's rates, revenue reductions and price cap plan as set forth in the September 20, 1994 Stipulation and Recommendation. Thus, despite the arguments on rehearing that are set forth by numerous parties addressing issues that are reflected in the rates and charges of the now-approved tariffs, the rates, terms and conditions of Ameritech Ohio's Plan are now in effect. It is not clear, therefore, what status the still pending applications for rehearing have since they address some of the issues reflected in the approved tariff.¹

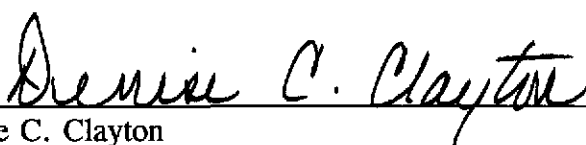
¹ Time Warner is in no way, through this pleading, waiving any portions of its Application for Rehearing.

From Time Warner's perspective, the Commission has approved the Plan and the associated tariff without regard to most of the arguments set forth in the Applications for Rehearing. If that is in fact the case, (and without addressing the merits of those actions), Time Warner hereby respectfully requests that the Commission enforce another element of the Stipulation² - one that should be enforced despite the Commission's recent actions reflected in the January 5th Entry. More specifically, Time Warner hereby requests that the Commission direct Ameritech Ohio to dismiss the appeals STILL pending at the Supreme Court of Ohio in Case Nos. 94-1246 and 94-988, appeals that challenge two Time Warner AxS certificates. While the terms of the Stipulation signed on September 20, 1994, plainly state that these appeals are to be dismissed upon approval of the Stipulation by the Commission in Case No. 93-487-TP-ALT, to the best of Time Warner's knowledge, these appeals are still pending. Accordingly, if the Commission believes it is appropriate to grant Ameritech Ohio the benefit of its new rates and reduced regulatory oversight, pricing flexibility, and other privileges associated with approval of Ameritech Ohio's alternative regulation plan and associated tariff, it is only appropriate that the Commission direct Ameritech Ohio to hold up its end of the bargain and dismiss its appeals at the Supreme Court of Ohio forthwith - something Ameritech Ohio has already promised to do.

² Time Warner also notes that it still has two Motions pending before the Commission that have not yet been ruled upon. One is Western Reserve Competitive Access Providers' *Motion to Reopen Proceedings and to Abrogate Order or to Find Western Reserve Telephone Company in Violation of Order and Commitments* filed in the Western Reserve Telephone Company Proceeding, Case No. 93-230-TP-ALT & 93-1525-TP-CSS filed on August 12, 1994. Another pending matter is Time Warner's *Motion to Establish Streamlined Proceeding, Defer Ruling on Motions to Intervene and For Other Relief* filed on December 18, 1994 in Case No. 94-1695-TP-ACE. Time Warner requests that the Commission take action on these items as well.

For the foregoing reasons, Time Warner hereby respectfully requests that the Commission grant its Motion and direct Ameritech Ohio to withdraw its appeals in the Supreme Court of Ohio Case Nos. 94-1246 and 94-988 forthwith.

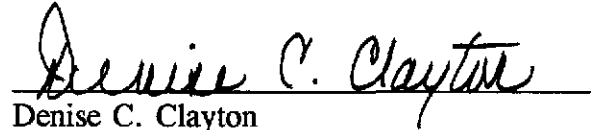
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CERTIFICATE OF SERVICE

I, Denise C. Clayton, hereby certify that a copy of the foregoing Motion to Enforce Provision of Stipulation was served upon the following parties of record this 12th day of January, 1995, via electronic transmission, hand-delivery or ordinary U.S. mail, postage prepaid.


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