

**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Commission’s Review )  
of Chapter 4901:1-7, of the Ohio Administrative ) Case No. 12-922-TP-ORD  
Code, Local Exchange Carrier-to-Carrier )  
Rules. )**

**APPLICATION FOR REHEARING OF  
THE OHIO CABLE TELECOMMUNICATIONS ASSOCIATION**

Pursuant to Section 4903.10, Revised Code and Rule 4901-1-35 of the Ohio Administrative Code, the Ohio Cable Telecommunications Association (the “Association” or the “OCTA”) respectfully submits this Application for Rehearing from the Commission’s October 31, 2012 Finding and Order in this proceeding. The OCTA respectfully submits that the Commission unreasonably and unlawfully erred by failing to implement the clarification it indicated in its Finding and Order that was necessary for amended Rule 4901:1-7-12(A)(2) that is to be filed with the Joint Committee on Agency Rule Review, the Secretary of State and the Legislative Service Commission.

The OCTA respectfully requests that the Commission grant rehearing and issue an order modifying Rule 4901:1-7-12(A)(2) as set forth in the Memorandum in Support below.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT**

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**I. The Commission should implement the revisions in Rule 4901:1-7-12(A)(2) that it discussed in its Finding and Order**

At page 8 of its October 31, 2012 Finding and Order, the Commission discussed the recommendation of the OCTA to revise the second sentence of subparagraph (A)(2) of Rule 4901:1-7-12 that addresses the eligibility for LECs to assess and collect the full charge for transport and termination of non-access telecommunications traffic which is delivered to a called party's premises via contractual or other arrangements with an affiliated or unaffiliated interconnected VoIP service provider. After consideration of the issue, the Commission agreed with the OCTA that subparagraph (A)(2) of Rule 4901:1-7-12 needed clarification from what had been proposed. The Commission indicated that it would add a reference to 47 C.F.R. 51.703 to address the revisions suggested by the OCTA.

The Commission then ordered that the attached amended rules (in attachment A to the Finding and Order, the "Amended Carrier Rules") were to be filed with the Joint Committee on Agency Rule Review, the Secretary of State and the Legislative Service Commission. Subparagraph (A)(2) of Rule 4901:1-7-12 in the Amended Carrier Rules, however, was not revised from the Staff's proposed rules attached to the Commission's March 21, 2012 Entry initiating this proceeding.

To be consistent with the Commission's findings in its October 31, 2012 Finding and Order, the OCTA requests that the Commission grant rehearing and revise subparagraph (A)(2) of Rule 4901:1-7-12 to read as follows:

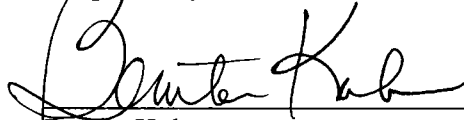
(2) Eligibility

Telephone companies shall be entitled to compensation for the use of network facilities they own or obtain by leasing from an ILEC (i.e., through purchasing unbundled network elements) to provide transport and terminate non-access telecommunications traffic originated on the network facilities of other telephone companies. Nonfacilities-based, local exchange carriers (LECs) are not eligible for the transport and termination of non-access telecommunications traffic compensation, except as provided in 47 C.F.R. 51.703.

**II. Conclusion**

For the foregoing reasons, the OCTA respectfully requests that the Commission grant rehearing and issue an order modifying Rule 4901:1-7-12(A)(2) as discussed in this Memorandum in Support of Rehearing.

Respectfully submitted,



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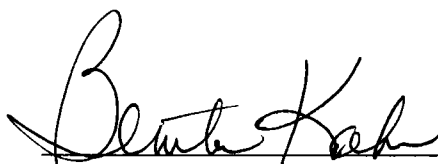
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## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Application for Rehearing of the Ohio Cable Telecommunications Association was served upon the following parties of record by electronic mail on this 21<sup>st</sup> day of November 2012.

  
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Summary: App for Rehearing Application for Rehearing electronically filed by Benita Kahn on behalf of Ohio Cable Telecommunications Association