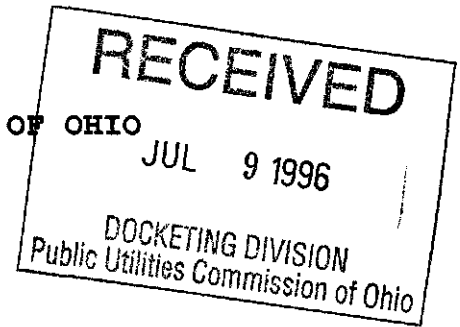


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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO



STATE ALARM, INC.
5956 Market Street
Youngstown, Ohio 44512

Complainant,

v.

Ameritech Ohio
a/k/a The Ohio Bell Company
45 Erieview Plaza
Cleveland, Ohio 44114,

Respondent.

Case No. 95-1182-TP-CSS

REPORT OF STATE ALARM, INC. CONCERNING DISCOVERY PROGRESS,
FILED JULY 9, 1996

Now comes Complainant State Alarm, Inc. (hereinafter, "State Alarm"), a customer of Respondent Ameritech Ohio (previously providing service as The Ohio Bell Company, and collectively referred to below as "Ameritech"), before this Commission pursuant to Entry of Hearing Examiner See dated April 11, 1996. The April 11, 1996 states that each party shall submit its second report concerning discovery activity by July 8, 1996. This report is submitted on July 9, 1996 due to activities of State Alarm's attorneys during the Fourth of July holiday period and is submitted with the apologies of State Alarm's counsel for its lateness.¹

The key dates concerning this case, and the discovery process are as follows:

- Complaint filed December 27, 1995;
- Answer filed January 18, 1996;

¹ An attempt was made to reach counsel for Ameritech concerning this late filing, without success.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business. Technician *[signature]* Date *[signature]*

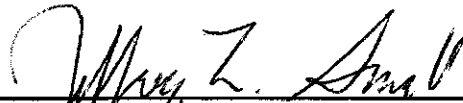
- Motion to Dismiss filed January 18, 1996, Memorandum Contra Motion to Dismiss filed February 5, Reply Memorandum filed February 15, 1996, and Entry denying Motion to Dismiss issued February 21, 1996;
- State Alarm serves its first set of interrogatories and requests for production on March 1, 1996;
- settlement conference held on March 5, 1996;
- Joint Motion for continuance filed April 4, 1996;
- Ameritech receives State Alarm's "trouble reports" on April 8, 1996;
- Ameritech takes deposition of Don Shury, President of State Alarm, on April 8, 1996 in Cleveland;
- Discovery schedule issued by Attorney Examiner See on April 11, 1996;
- Ameritech response to State Alarm's first set of interrogatories is received on May 14, 1996 (verification received May 16, 1996);
- State Alarm correspondence on May 24, 1996 informs Ameritech that its discovery requests are largely unresponsive and contain no documents in response to the requests for production of documents;
- on June 5, 1996, counsel for Ameritech provides additional answers to State Alarm's first set of interrogatories (unverified) and one document copied from its tariffs;
- State Alarm receives Ameritech's First Set of Interrogatories and Requests for Production of Documents on June 14, 1996.

Unfortunately, State Alarm must report that Ameritech has not provided any meaningful response to State Alarm's discovery requests that were served on March 1, 1996. Ameritech's responses largely rely on statements that it does not understand the interrogatories and that it will make documents available for inspection at its offices. State Alarm hopes that a protective agreement can be entered into upon reasonable terms that will

permit State Alarm to actually inspect Ameritech documents.

The confidentiality claimed by Ameritech over documents that are important in this case appear to be very broad and have not been encountered by counsel for State Alarm in their previous dealings with Ameritech. Any confidentiality agreement between the parties must state that Ameritech will clearly mark the documents that Ameritech claims to hold in confidence. State Alarm hopes that Ameritech will agree to such terms, and will make a good faith effort to limit its confidentiality claims so as not to embroil the parties in unnecessary disputes.

Respectfully submitted,

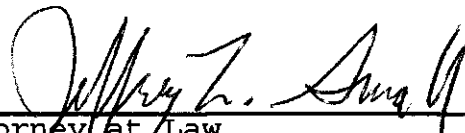


John W. Benzine,
Trial Attorney (0016388)
Jeffrey L. Small (0061488)
CHESTER, WILLCOX & SAXBE
17 South High Street, Suite 900
Columbus, Ohio 43215-3413
(614) 221-4000

Attorneys for Complainant
State Alarm, Inc.

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Discovery Report was served upon Charles S. Rawlings, Esq., Attorney for Ameritech Ohio, at 75 Public Square, Suite 1320, Cleveland, Ohio 44113, by regular U.S. Mail, postage prepaid, this 9th day of July, 1996.



Attorney at Law

CHESTER, WILLCOX & SAXBE

Attorneys and Counselors at Law

17 SOUTH HIGH STREET
SUITE 900
COLUMBUS, OHIO 43215-3413

TELEPHONE 614/221-4000

TELECOPIER 614/221-4012

JEFFREY L. SMALL

May 24, 1996

VIA TELECOPY (216) 241-5347

MAIL COPY TO FOLLOW

C. Scott Rawlings, Esq.
75 Public Square, Suite 1320
Cleveland, Ohio 44114

RE: State Alarm, Inc. v. Ameritech
The Public Utilities Commission of Ohio
Case No. 95-1182-TP-CSS

Dear Mr. Rawlings:

I have reviewed the answers of Ameritech to the Interrogatories and Requests for Production, First Set, that were served on Ameritech March 1, 1996. Ameritech's response, dated May 14, 1996 is largely unresponsive to State Alarm's discovery requests.

More specific objections to the manner in which the discovery requests were answered are as follows:

after State Alarm provided its trouble reports, Ameritech has provided no documents at all after three months; I question whether provisions that permit Ameritech to make its records available at Ameritech offices can be stretched as far as Ameritech claims;

use of the term "design" in interrogatories 2 and 4 does not refer to the "circuit layout" that is addressed in interrogatory 1 (as indicated by the parenthetical example in interrogatory 2);

I stressed in a previous telephone conversation State Alarm's use of the word "identify" in the interrogatories (also stated in the instructions for answering); only listing names of individuals, such as in response to interrogatory 5, 16, and the second part of the response to interrogatory 7, does not comply with State Alarm's instructions;

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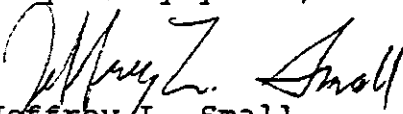
- Ameritech must have some document that would be responsive to interrogatory 19 by which it applies maintenance and service charges that are described in answer to interrogatory 18;
- interrogatories 20 and 21 inquire into Ameritech procedures that address portions of the Administrative Code such as O.A.C. 4901:1-5-20 and 4901:1-5-36; Ameritech must have a mechanism for dealing with customer complaints if it can state that it complies with the regulations of the PUCO;
- interrogatories beginning with 22 inquire into the division of responsibilities between personnel concerning services offered; reference to a long, undifferentiated list of Ameritech employees (if they are employees or former employees) is unresponsive to the intent of these interrogatories;
- "LMC" lines in interrogatories 22-25 refer, as stated in the interrogatories, to lines installed at the location of State Alarm's clients that run to the local police station nearest the client, as further described in Count Two of the Complaint; the "LMC" designation was originated by Ameritech, not State Alarm, and Ameritech was able to understand this designation and description adequately to permit it to answer the Complaint in paragraph 9 of the Answer;
- the only statement by State Alarm so far that Ameritech "did something wrong" (see your answer to interrogatory 29) regarding the voice grade lines mentioned in Count Three of the Complaint is contained in that count which notes inadequacy of notice; interrogatory 29 inquires into changes in service that Ameritech prompted during the period on or about December 17, 1994 that would have affected State Alarm's voice grade lines, whether those changes were proper in themselves or not;
- Ameritech does not identify the source of its difficulty in responding to State Alarm's inquiries that would necessitate a protective agreement.

To follow-up on this last point, the issue of a "protective agreement" arose well after the discovery request was served. We have not been asked to execute a protective agreement in previous complaint cases.

C. Scott Rawlings, Esq.
State Alarm v. Ameritech
Page 3
May 24, 1996

In any future contact on the matters examined above, I would like you to address the substance the issues raised above. The discovery dispute between State Alarm and Ameritech must be taken to the Commission for resolution if Ameritech does not make a meaningful attempt to comply with State Alarm's discovery requests.

Very truly yours,


Jeffrey L. Small

JLS/akf

cc: D. Shury

RECEIVED JUN - 5 1996

Charles Scott Rawlings
Attorney at Law
75 Public Square
Suite 1320
Cleveland, Ohio 44113

TELEPHONE (216) 241-7255
FAX (216) 241-5347

May 31, 1996

Jeffrey L. Small, Esq.
Chester, Willcox & Saxbe
17 South High Street
Columbus, Ohio 43215-3413

RE: State Alarm, Inc. v. Ameritech
P.U.C.O. Case No. 95-1182-TP-CSS

Dear Mr. Small:

I received your letter dated May 24, 1996 and I am extremely disappointed that you do not understand the responses that Ameritech has provided so far to your first set of interrogatories and request for production and that you believe that Ameritech has not made a meaningful attempt to comply with State Alarm's discovery requests. Your concerns are unfounded because Ameritech is striving to provide the information requested, to the extent that it is able, notwithstanding the objectionable nature of the interrogatories.

I shall address each of the issues that you have raised in your May 24th letter, however I think that some background information may be helpful to you since you appear to be unfamiliar with the manner and length of time that customer records are maintained by utilities in general and Ameritech in particular. First, you need to know that Ameritech does not have records going back to 1975. It would be impossible for Ameritech to keep all of the records for all of its customers over that length of time. Also, the records for State Alarm's circuits are maintained by circuit number, not by customer name. Therefore, in order for Ameritech to respond to certain interrogatories, it needs to know the specific circuit numbers for which you are requesting the information. With this basic information in mind, let me try to respond to each of the issues that you have set forth in your May 24th letter.

Jeffrey L. Small, Esq.
State Alarm v. Ameritech
Page 2
May 31, 1996

First, Ameritech has continually told you that documents will be made available for your inspection. I don't know why you believe that the practice of making documents available for inspection is inappropriate. I also don't know what you mean by "can be stretched as far as Ameritech claims."

The circuit layout records that are being provided in response to interrogatory no. 1 show the circuits that are half duplex and duplex if that is the information that you are seeking in interrogatory no. 2. If interrogatory no. 4 also is requesting information as to half duplex and duplex operation, then the circuit design records in Ameritech's offices contain that information as well. Also, enclosed with this letter are copies of Ameritech's tariffs which set forth the transmission specifications for Series 1000 and 3000 channels that are used for alarm circuits. These tariffs state that duplex service is provided where facility conditions permit. Further, Ameritech provides half duplex or duplex circuits, where facility conditions permit, based on the requirements set forth by the customer and the design of the customer's equipment. Therefore, State Alarm would know which circuits they ordered for half duplex and duplex operation. Ameritech "designed" State Alarm's circuits based on specifications requested by State Alarm.

We are now able to provide you with the business addresses of those individuals for which we have previously provided only names. (See enclosed list.) Also, the individuals named in the response to interrogatory 16 are all located at 8868 Ridge Rd., North Royalton 44133. However, we will not be providing the residence addresses for these individuals because such information is personal and confidential to them. If you wish to talk to current employees, I'm sure that you are aware of your ethical responsibility to go through counsel for the respondent in any event.

I am still not clear about the document that you are requesting in interrogatory 19. I have initiated further inquiries within Ameritech about whether or not there is an actual document that explains the process or methodology of billing a maintenance of service charge. When I receive a response to my inquiries, I will provide you with any information that I receive. However, if you are seeking a document that describes something different with respect to the a maintenance of service charge, please provide me with a more specific description of what you are seeking and I will inquire further.

If interrogatories 20 and 21 are seeking information about

Jeffrey L. Small, Esq.
State Alarm v. Ameritech
Page 3
May 31, 1996

Ameritech's mechanism for dealing with customer complaints, then I believe that we can respond further in general terms. Ameritech does have a procedure for dealing with customer complaints. If a customer brings a complaint to the PUCO, the Ohio Consumers' Counsel, the Chairman of Ameritech or an officer of one of the Ameritech Business Units the complaint is generally handled by an Executive Appeals group in the appropriate Business Unit. Someone in the Executive Appeals group investigates and resolves the customer's complaint by contacting the appropriate Ameritech personnel to take action to correct the problem. So far, I am unaware of any document that describes the process, procedures or methods used by Executive personnel in resolving customer complaints. However, if I am able to locate such a document, I will provide it to you.

In our response to interrogatory 23, we said that the designation "LMC" is no longer used by Ameritech, not that we didn't know what that designation means. In any case, our problem in responding to interrogatories 22-25 is that they are so broad and undifferentiated. The list of employees provided in response to interrogatory 5 are those employees who have worked on State Alarm LMC lines at one time or another since 1981. Since these employees worked on State Alarm LMC lines, they would have had some conversation with State Alarm personnel about those service problems. If interrogatory 24 is seeking the identity of Ameritech employees who did not perform some actual repair or maintenance function, but merely talked to State Alarm personnel about repair or maintenance activities, then we will continue to investigate in order to provide you with the identity of these employees, if they exist. As you would expect, the identification of such employees would be much more difficult since they had no direct relationship to State Alarm.

The response to interrogatory 29 is based on the wording used in the interrogatory. We don't know at this time the circumstances surrounding the call that State Alarm claims that it received on or about December 17, 1994 from Ameritech. We have been unable to verify that there were changes made in Ameritech facilities and service of the kind that your interrogatory contemplates. If you could provide additional details concerning this event that allegedly occurred on or about December 17, 1994, we will investigate further and such investigation may yield the information that you are seeking.

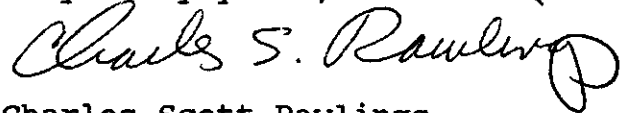
The reason that the issue of a protective agreement arose after your discovery request was served is because we didn't know what information you were requesting until we saw your interrogatories and collected the information to respond to such

Jeffrey L. Small, Esq.
State Alarm v. Ameritech
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May 31, 1996

interrogatories. In providing responses to certain interrogatories, we found that the information was marked confidential and/or proprietary either by Ameritech or Bellcore. or both. Thus, the need for a protective agreement. Perhaps you have not had to execute a protective agreement in previous complaint cases because no confidential or proprietary material was involved in those cases. Not all complaint cases are going to involve such material and not all documents in this case are proprietary.

I will continue to investigate the items that I have previously indicated and I will provide additional information as soon as it is available.

Very truly yours,

A handwritten signature in cursive script that reads "Charles S. Rawlings". The signature is written in dark ink and is positioned above the printed name.

Charles Scott Rawlings

Enclosure

CSR/aak

cc: John W. Bentine, Esq.

The following is a list of employees who have worked on State Alarm circuits. Time span 1981-present

SSC Tester

- 1 Barth, Don
- 2 Bogar, John
- 3 Bracey, Wardell
- 4 Brown, Danny
- 5 Captain, Allen
- 6 Davis, Bob
- 7 Demyan, Fran
- 8 Dillard, Kenny
- 9 Doctor, JoAnn
- 10 Ferren, Gary
- 11 Fisher, Kenny
- 12 Foose, Edward
- 13 Fox, Leo
- 14 Gaebelin, Ed
- 15 Gaebelin, Tom
- 16 Gaffney, Tim
- 17 Gaiser, Donna
- 18 Galayda, William
- 19 Glaydish, Dave
- 20 Graft, Ralph
- 21 Graham, Patty
- 22 Grier, Ann
- 23 Hardnick, Woody
- 24 Harr, Don
- 25 Jackson, Diane
- 26 Johnson, Barbara
- 27 Keefer, Allen
- 28 Kell, Keith
- 29 Kidd, Dennis
- 30 Kirkbride, Myron
- 31 Krause, Bernie
- 32 Lacy, Edwin
- 33 Langbein, Paul
- 34 Lewis, Marilyn
- 35 Lonzak, Timothy
- 36 Lukic, Klaus
- 37 Lumberg, Bob
- 38 Madden, Phil
- 39 Mclean, Sandra
- 40 Merholz, Mike
- 41 Metyk, Dale
- 42 Moncriff, Patty
- 43 Morris, Sarah
- 44 Morrisroe, John

Retired

6889 Snowville Rd, Bucksville, Ohio 44141
 Separated Eff. 1994
 750 Huron Rd, 15th Flr, Clev, Ohio 44115

Retired

750 Huron Rd, 15th Flr, Clev, Ohio 44115
 750 Huron Rd, 15th Flr, Clev, Ohio 44115
 Moved to Texas 44115

Retired

Retired

7250 Whipple Road, Jackson Twp, Ohio, 44720
 45 E. Erie, 13th Flr, Clev, Ohio, 44114

Retired

750 Huron Rd, 15th Flr, Clev, Ohio, 44115
 "

Retired

RETIRED

750 Huron Rd, 15th Flr, Clev, Ohio, 44115

Retired

45 E. Erie, 13th Flr, Clev, Ohio, 44114

Retired

Retired

750 Huron Rd, 15th Flr, Clev, Ohio, 44115
 "

Retired

Retired

750 Huron Rd, 15th Flr, Clev, Ohio, 44115

Retired

45 E. Erie, 13th Flr, Clev, Ohio, 44114
 50 West Bowers, Akron, Ohio, 44308

Retired

750 Huron Rd, 15th Flr, Clev, Ohio, 44115

7250 Whipple Road, Jackson Twp, Ohio, 44720

Retired

6889 Snowville Rd, Bucksville, Ohio, 44141
 750 Huron Rd, 15th Flr, Clev, Ohio, 44115

Retired

750 Huron Rd, 15th Flr, Clev, Ohio, 44115

Retired

750 Huron Rd, 15th Flr, Clev, Ohio, 44115
 45 E. Erie, 13th Flr, Clev, Ohio, 44114

Retired

750 Huron Rd, 15th Flr, Clev, Ohio, 44115

45 Osborn, Don
 46 Potelicki, Tom
 47 Radowenchuk, William
 48 Richardson, Lamar
 49 Roach, Linda
 50 Scbrocco, Mike
 51 Schuman, Doug
 52 Scott, Dennis
 53 Shepler, William
 54 Simmons, Brian
 55 Sironnovick, Lou
 56 Skula, Ken
 57 Smallwood, Ron
 58 Smith, George
 59 Sochen, Rick
 60 Upton, Quinton
 61 Weaver, Charlie
 62 Wetzel, Paula
 63 Williamson, Carolyn

1100 E. Waterloo Road, Akron, Ohio, 44306
 750 Huron Rd, 15th Flr, Cleve, Ohio, 44115

Retired
 45 Kennerly, 13th Flr., Cleve, Ohio, 44114
 750 Huron Rd, 15th Flr., Cleve, Ohio, 44115
 1100 E. Waterloo Road, Akron, Ohio, 44306
 Retired
 Retired
 Retired
 6889 Snowville Rd, Brecksville, Ohio, 44141
 750 Huron Rd, 15th Flr, Cleve, Ohio, 44115
 Retired
 Retired
 750 Huron Rd, 15th Flr., Cleve, Ohio, 44115

PART 15 - Dedicated Communications Services
SECTION 2 - Channel Services

Original Sheet No. 7

1. CHANNELS (Cont'd)

1.1 General (Cont'd)

1.1.5 Customer Operating Center Service (Cont'd)

B. Rates and Charges (Cont'd)

3. In addition to the rates and charges in 1 and 2 preceding, the following rates and charges apply to activate each local channel within the dedicated complement of cable pairs from the normal serving central office to the customer's premises:

a. The monthly rate as specified in Paragraph 1.2.4.A following for the appropriate Service Area Function.

4. In addition to the rates for the appropriate dedicated complements of cable pairs as covered in 1, 2 and 3 preceding, the following rates and charges apply to activate each local channel from the normal serving central office to the patron's premises:

a. The S&E charges specified in Section 1 preceding.

b. The monthly rates specified in Paragraph 1.2.4.A following for the local loop and the appropriate Service Area Function and the interoffice mileage, if applicable.

1.2 Classification and Rates

1.2.1 Series 1000 Channels

A. Types and Description

Series 1000 channels are unconditioned channels capable of transmitting signals at rates up to 150 bauds. These channels are furnished for half-duplex or duplex operation. Duplex service is furnished on an entire channel, or on a portion thereof, where facility conditions permit.

The transmission characteristics and the various types of services furnished within this series are as follows:

1. Type 1001 - Transmission of frequencies of up to 15 Hertz or impulses per second for remote metering, supervisory control and miscellaneous signaling purposes.
2. Type 1102 - Transmission up to 30 baud, for remote metering, supervisory control, and miscellaneous signaling purposes; for local service area multipoint service and interexchange two-point or multipoint service.

Material formerly appeared in Private Line Service Tariff, Original Sheet No. 52.4, 5th Revised Sheet No. 53

Issued: October 2, 1995

Effective: October 2, 1995

In accordance with Case No. 95-815-TP-ATA, issued September 1, 1995.

By J. F. Woods, President, Cleveland, Ohio

Tariff

PART 15 - Dedicated Communications Services
SECTION 2 - Channel Services

Original Sheet No. 8

1. CHANNELS (Cont'd)

1.2 Classification and Rates (Cont'd)

1.2.1 Series 1000 Channels (Cont'd)

A. Types and Description (Cont'd)

3. Type 1002A - Transmission of miscellaneous signaling frequencies up to 60 Hertz per second for remote metering, supervisory control and miscellaneous signaling purposes.
4. Type 1002AA - Special - similar in transmission characteristics of Type 1002A to be used only for Civil Air Defense Warning Systems.
5. Type 1002B - Transmission up to 45 bauds for teletypewriter or data purposes.
6. Type 1002C - Transmission up to 55 bauds for teletypewriter or data purposes.
7. Type 1005 - Transmission up to 75 bauds for teletypewriter or data purposes.
8. Type 1006 - Transmission up to 150 bauds for teletypewriter or data purposes.

B. Regulations

In addition to the regulations set forth in 2., the following regulations apply to Series 1000 channels.

1. Types 1001, 1002A and 1102

- a. These channels may be used for such purposes as indicating readings of meters at distant locations, operating switches which in turn perform some desired operation, or operating special signaling devices of the customer.

- (1) Channel facilities of the types available in the telephone plant are furnished for this service.
- (2) Channels of similar grade furnished by the Telephone Company for these purposes may be interconnected by the customer on his premises. When such interconnection is made, the Telephone Company's responsibility is limited to providing and maintaining satisfactory transmission capabilities only between the terminal points of each individual channel which it furnishes.

Material formerly appeared in Private Line Service Tariff, 5th Revised Sheet No. 53, 4th Revised Sheet No. 54

Issued: October 2, 1995

Effective: October 2, 1995

In accordance with Case No. 95-815-TP-ATA, issued September 1, 1995.

By J. F. Woods, President, Cleveland, Ohio

PART 15 - Dedicated Communications Services
SECTION 2 - Channel Services

Original Sheet No. 19

1. CHANNELS (Cont'd)

1.2 Classification and Rates (Cont'd)

1.2.3 Series 3000 Channels

A. Types and Description

1. The following Series 3000 channels which are designed to meet certain specifications based upon Telephone Company standards of measurement for the various purposes set forth below, are furnished within the approximate bandwidth of 300-3000 Hertz for half duplex or duplex operation. Duplex service, however, which may be furnished either on an entire channel or on a portion thereof, is available only where facility conditions permit.
 - a. Type 3001 - Furnished for remote metering, supervisory control and miscellaneous signaling purposes.
 - b. Type 3002 - Furnished for data transmission.
2. The following Series 3000 channels known as Local Area Data Channels are suitable for baseband transmission of digital data signals between two stations within the same serving central office area, and are offered only for balanced transmission of data signals conforming to the signal power limitations and other parameters specified in the applicable Bell System Technical Reference(s). Service is limited to stations that are not more than six route miles apart, as determined by the Telephone Company, using normal cable routing between the stations to be served. The Local Area Data Channels available are of the following types.
 - a. Type 3080 - Two-wire facilities
 - b. Type 3081 - Four-wire facilities
3. The following Series 3000 channels are furnished as access lines of DATAPHONE ® Select-A-Station Service:
 - a. Type 3040 - Two-wire access lines between a Data Station Selector (DSS) and remote stations.
 - b. Type 3041 - Four-wire access lines between a DSS and either the master station or remote stations or between DSS's.

Material formerly appeared in Private Line Service Tariff, Reissued 7th
Revised Sheet No. 68

Issued: October 2, 1995

Effective: October 2, 1995

In accordance with Case No. 95-815-TP-ATA, issued September 1, 1995.

By J. F. Woods, President, Cleveland, Ohio