

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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DOCKETING DIVISION  
PUBLIC UTILITIES COMMISSION OF OHIO

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

Case No. 93-487-TP-ALT

Prepared Testimony

of

Scott Potter

Staff Exhibit 11

1 1. Q. Would you please state your name, business address, and capacity in  
2 which you are employed?

3 A. My name is Scott Potter and I am employed by the Public Utilities  
4 Commission of Ohio, 180 E. Broad Street, Columbus, Ohio 43215-3793. I  
5 am employed as a rate analyst in the Forecasting Division of the Utilities  
6 Department.  
7

8 2. Q. Please state your background and qualifications.

9 A. I graduated from The Ohio State University in 1989 with a Bachelors  
10 degree in Communication Sciences. My undergraduate work focused on  
11 telecommunications business, regulation, and new technologies. I  
12 received my Master's degree from the University of Southern California  
13 in 1991. My graduate program was telecommunications law with a sup-  
14 plemental focus on engineering. I was previously employed by GTE-  
15 California, where I conducted investigations and presented analysis on  
16 the "New Regulatory Framework" reporting requirements for the  
17 Company. I have been employed at the Public Utilities Commission of  
18 Ohio since 1992. I have previously presented testimony before this  
19 commission. I have also previously written sections of Staff Reports of  
20 Investigations regarding Alternative Regulation (Case Nos. 93-230-ALT-  
21 TP and 93-432-ALT-TP).  
22

23 3. Q. Did you participate in the analysis of the Company's plan and in the  
24 writing of the Staff Report?

25 A. Yes. I was one of many Staff that analyzed the Company's plan and  
26 assisted in the writing of the Report.  
27

1 4. Q. What is the purpose of your testimony?

2 A. My purpose in this testimony is to answer questions and objections  
3 raised by parties in this proceeding regarding specifically, the Company's  
4 fiber optic deployment and education commitments and the Staff's  
5 review and recommendations associated with those commitments.  
6

7 5. Q. Would you, briefly, describe the Company's fiber deployment and other  
8 educational commitments?

9 A. The Company proposed a commitment to connect all high schools, voca-  
10 tional schools, colleges, and universities to a fiber based two-way interac-  
11 tive video distance learning network following a qualified service  
12 request. In addition, the Company proposed commitments to provide a  
13 dedicated support team to assist schools with the application and fund-  
14 ing of distance learning, to provide qualified schools a discount on the  
15 video service and other telecommunications services, to partner with  
16 business and government to foster distance learning, and to provide  
17 fiber connections to the public network for all county jails; county, state,  
18 and federal court buildings; hospitals; and libraries.  
19

20 6. Q. What is the Staff's general opinion of the fiber deployment and other  
21 educational commitments?

22 A. As proposed, Staff is of the opinion that these commitments are a posi-  
23 tive step in giving Ohio's schools and public serving institutions new  
24 options in the increasingly difficult endeavor of educating and caring for  
25 Ohio's citizens. However, Staff is reticent to offer a definitive endorse-  
26 ment of the commitments and, consequently, the Plan as a whole, until  
27 the Staff has reviewed the proposed tariff and discounts.

1  
2 7. Q. Is the Staff endorsing a discounted tariff for schools that would be below  
3 cost?

4 A. No. As a point of correction and clarification of the Staff Report, it  
5 should be understood that the Company is proposing to file standard tar-  
6 iffs, including a tariff for fully interactive video service. These tariffs  
7 would include all the appropriate LRSIC cost factors. As a commitment,  
8 the Company is proposing to offer qualifying educational facilities a dis-  
9 count on the standard tariffs. In the Staff Report, it says that discounts  
10 are essential to the development of a successful distance learning net-  
11 work. The Staff Report goes on to say that to the degree the proposed  
12 discounts enable schools, especially economically disadvantaged schools,  
13 to enjoy the benefits of distance learning and other telecommunications  
14 services, the discounts would be in the public interest. This statement  
15 should not be interpreted to mean that Staff is endorsing tariffs below  
16 LRSIC.

17 The pricing of all services is regulated by the cell classification and pric-  
18 ing parameters as detailed in the Alternative Regulation Rules.  
19 However, as long as the tariffed rate is above LRSIC, and the total contri-  
20 bution of all customers of that service was above LRSIC, I see no reason  
21 why certain economically disadvantaged schools could not enjoy a dis-  
22 count which took their contribution to the recovery of costs to an afford-  
23 able rate even if such a rate was below LRSIC. Under a price cap envi-  
24 ronment, captive rate payers are protected from paying for competitive  
25 or uneconomic services.  
26

1 8. Q. Why did the Staff recommend that the Applicant be required to file the  
2 discounted educational tariffs prior to the Commission's approval of any  
3 alternative regulation plan for the Applicant?

4 A. The value of a distance learning network is directly related to the num-  
5 ber of schools that utilize it. The number of schools that will be able to  
6 utilize the network is directly related to the costs the schools would  
7 incur. Since we do not, at this time, have a tariff and discount to review,  
8 the Staff cannot determine what cost the schools would incur and,  
9 hence, what the true value of the commitment is. Staff would have  
10 much preferred to see examples of the tariffs filed with the Plan, so that a  
11 thorough review of the tariffs could have taken place at the same time as  
12 Staff review of the rest of the Plan. Since these tariffs were unavailable  
13 from the Applicant, Staff had to base its recommendation on the infor-  
14 mation at hand.

15  
16 9. Q. Has the Staff come to the conclusion that a fiber-based fully interactive  
17 distance learning network is the least-cost, most appropriate, most in  
18 demand, and/or only distance learning option available?

19 A. No. The Staff has made no such conclusion. In fact, the Staff is very  
20 aware of other distance learning options and has systematically tried to  
21 avoid endorsing one technology over another. However, a fiber based  
22 high quality two-way interactive system is one option for distance learn-  
23 ing. The Staff's endorsement of the commitment to deploy such a net-  
24 work in no way suggests that the network is the only or best way to serve  
25 the needs of all schools. The Company's commitment simply ensures  
26 that such a network option is available to schools. The Staff's endorse-  
27 ment of this commitment does not in any way restrict providers of same,

1 similar, or different services from offering these schools additional  
2 choices, and in fact the Staff would encourage this.

3 It is also important to note that fiber optic cable has become a material of  
4 choice for replacement and growth of much of the telecommunications  
5 networks. Staff believes, that as the Applicant deploys fiber in its net-  
6 work, the public interest can best be served if the Applicant considers the  
7 advanced services needs of the state's schools and public-serving institu-  
8 tions first when expanding or upgrading the network.

9  
10 10. Q. Do you believe that the Staff's recommendation creates a competitive  
11 disadvantage for other providers?

12 A. No. The communications needs of schools are as varied as the technol-  
13 ogy itself. There are schools that have no need for new communications  
14 services. Some schools want multi-point distribution of national pro-  
15 grams. Some are looking for a two-way fully interactive set-up that  
16 would allow remote student instruction and teacher in-servicing. And  
17 others still are looking for something different than either of these ser-  
18 vices. Nothing in the Staff recommendation or the Company's com-  
19 mitment to deploy fiber unfairly disadvantages other providers. To the  
20 degree that other providers are able to offer the schools a comparable  
21 service, nothing in the Staff Report recommendations prevents them  
22 from doing so. The fact that the Applicant has agreed to deploy fiber  
23 does not mean that all schools will instantly or ever subscribe to the  
24 Company's distance learning service.

25 I believe that the market place for distance learning is still in the devel-  
26 opmental stages and that no part of the Staff's recommendation can be  
27 seen to unfairly advantage any one provider over another.

1  
2 11. Q. Why did the Staff not recommend that the Applicant include elemen-  
3 tary and junior high schools in its commitment to deploy fiber?

4 A. The Staff did recommend that the Company consider the needs of pri-  
5 mary schools (K-9), as well as high schools, technical/vocational schools,  
6 colleges and universities. (Staff Report, p. 109) The Company's com-  
7 mitment is to deploy fiber to all high schools, vocational/technical  
8 schools, colleges and universities in its service territory. This commit-  
9 ment includes, over 500 facilities. Staff is of the opinion that the com-  
10 mitment is ambitious and more far reaching than anything we have  
11 seen in this area.  
12

13 12. Q. As proposed, and without an independent study to assess demand, does  
14 the Company's commitment to deploy fiber run the risk of putting  
15 infrastructure ahead of demand?

16 A. No. On the contrary, the Company's commitment is to deploy fiber  
17 rapidly wherever demand exists or develops. Fiber, from the feeder por-  
18 tions of the loops into the distribution portions and up to the buildings,  
19 will be deployed upon request for service. This can only be viewed as  
20 demand leading infrastructure rather than infrastructure exceeding  
21 demand.

22 After speaking with educators from all over the state, seeing the suc-  
23 cesses of some of the on-going distance learning programs in Ohio, par-  
24 ticipating in several distance learning symposia, and talking with repre-  
25 sentatives of the Ohio Department of Education, I am convinced that  
26 significant demand exists for advanced fiber-delivered telecommunica-  
27 tions services. And while it is reasonable to assume that the Company

1 will closely analyze demand in order to maximize revenues under a  
2 price cap framework, it is not necessary to require them to do so. Under  
3 a price cap framework, the Company would suffer any loss associated  
4 with infrastructure deployment that exceeded demand.  
5

6 13. Q. Why did the Staff not recommend discounted tariffs for existing services  
7 as well as distance learning services?

8 A. The Staff made no such recommendation, because such a commitment  
9 was already part of the Applicant's proposed Alternative Regulation  
10 Plan. As noted on page 108 of the Staff Report, and as clarified in  
11 Answer No. 6 of this testimony, the Applicant proposed a commitment  
12 to provide a tariff discount to state-chartered elementary and secondary  
13 schools. This tariff would apply to a variety of existing telecommunica-  
14 tions services. The Staff, subsequently, endorsed such a discount to the  
15 degree that the discount was meaningful. (Staff Report, p. 110)  
16

17 14. Q. What is your opinion of differential discounts on tariffs?

18 A. In principle, a differential or sliding scale discount on a tariff would be  
19 one way to bring more equity into the availability of advanced telecom-  
20 munications services. While the general trend of most schools is one of  
21 financial constraints, the financial conditions of differing schools is as  
22 diverse as are the schools themselves. A discount with a differential rate  
23 would, in theory, permit schools more financially able to subscribe to  
24 advanced services to offset the costs of those schools with greater con-  
25 straints on discretionary funds.

26 The problem with such a discount would be in the administration. The  
27 Applicant would have to work very closely with the Department of



1 Education in order to develop a fair and reasonable ranking of schools in  
2 order of financial status. Then a discount would have to be designed  
3 which would clearly identify the particular rate for which a given school  
4 qualified.

5  
6 15. Q. Should the Company be required to provide toll free home-to-school  
7 telephone service?

8 A. While the Staff did not make such a recommendation, we do support  
9 the recommendation of the Ohio Department of Education to the degree  
10 that areas exist where parents/guardians must make a toll call to contact  
11 the schools of their children.

12  
13 16. Q. Should the Company be required to provide toll free school-to-home  
14 telephone service?

15 A. While the Staff agrees with the Ohio Department of Education that such  
16 toll free service would be highly beneficial to the schools, it is not clear to  
17 Staff that such an option is technically or economically feasible. I would  
18 greatly encourage the Company to work with the Department of  
19 Education and other service providers to find technically and economi-  
20 cally sound solutions to this problem.

21  
22 17. Q. In the Supplemental Testimony of Company Witness Brown (Ex. 14S.0,  
23 p. 24, Question 37), Mr. Brown states that "[I]n the Staff report, the rec-  
24 ommendation is made that Ameritech Ohio incorporate a commitment  
25 that will foster the development of distance learning applications  
26 through the integration of business, government, and educational  
27 communities." Was this commitment conceived by the Staff?

1 A. No. In fact, the Staff Report simply recommends the inclusion of the  
2 commitment as proposed by the Company in their original plan  
3 (Testimony of Company Witness Brown, Ex. 14.0, p.37). In that testimony  
4 Mr. Brown states, "Ohio Bell will make a number of commitments if its  
5 plan is approved. Specifically, we will: . . . 6.) Partner with other busi-  
6 nesses and government agencies to seek grants to help finance basic  
7 video equipment for distance learning applications." Mr. Brown's tes-  
8 timony specifically enumerated the commitment to provide a dedicated  
9 support team and the commitment to partner with business and gov-  
10 ernment as two distinct commitments.

11 In its objections, Ameritech Ohio states that it "objects to the proposed  
12 commitment to create business and government partnerships to the  
13 extent it requires Applicant to bind independent parties to voluntary  
14 business arrangements. (Staff Report at 109). Applicant is willing to  
15 work toward the creation of such partnerships." Staff was concerned at  
16 this apparent step back from the commitment the Company made in its  
17 original plan. However, in his oral testimony, Company witness Brown  
18 stated that the objection was submitted in error. He further confirmed  
19 the Company's commitment to partner with business and government  
20 was as proposed in the original filing.

21  
22 18. Q. The Applicant has stated that the recommended reporting for the educa-  
23 tion commitment is "overly broad and burdensome and not in the pub-  
24 lic interest." (Objection of the Applicant, p. 34 No. 10). Do you agree?

25 A. No. Rule IV.B.5 of the Alternative Regulation Rules require the  
26 Applicant to provide the Staff with such information as deemed neces-  
27 sary by the Staff to monitor the Company's commitments. The Staff

1 Report recommends that the Applicant report on its education com-  
2 mitment in three areas: the results of its deployment of the fiber net-  
3 work, the results of its current on-going trials, and the results of its part-  
4 nerships with business and government.

5 The value of a distance learning network is directly related to the num-  
6 ber of facilities that connect to and utilize such network. In order to  
7 evaluate the Applicant's efforts to fulfill the commitment, the success of  
8 the new network, and the need for adaptations, the Staff must receive in-  
9 formation regarding the specific nature of each school contact, and the  
10 results of those contacts. The Staff Report does not ask for any informa-  
11 tion which one would not expect the Company to collect in the normal  
12 course of rolling out a new service, therefore, I see no reason that report-  
13 ing this information to the PUCO should be considered either overly  
14 broad or burdensome.

15 The Staff's recommendation that the Applicant report on current dis-  
16 tance learning trials, including the dissemination of information  
17 obtained from those trials, seems to be the most reasonable way for the  
18 Staff to monitor these trials. This recommendation cannot be seen as  
19 overly broad as it specifically limits reporting to distance learning trials.  
20 This recommendation cannot be seen as overly burdensome as it simply  
21 would require that the Applicant report what it has learned from its own  
22 experience. It does not ask the Applicant to collect any information  
23 beyond that which it would collect on its own initiative, whatever that  
24 might be.

25 Finally, the Staff recommended that the Applicant report on the specific  
26 activities it has engaged in with regard to its commitment to create busi-  
27 ness and government partnerships. The Staff has the duty to monitor

1 the progress on and achievement of commitments made by the  
2 Applicant. The Staff has asked the Company to present evidence that it  
3 is fulfilling its commitment. That can neither be seen as overly broad or  
4 burdensome.

5  
6 19. Q. In its objections, (no. 14, p.7) MCI stated that provision of discounted  
7 advanced educational services be undertaken as a part of a comprehen-  
8 sive policy approach to an advanced form of universal service. Do you  
9 agree?

10 A. It is my understanding from reading the objections and the testimony of  
11 MCI witness Laub (MCI Ex. 2.0 p. 25) that MCI believes that these service  
12 should be a part of a definition of advanced universal service because  
13 they are to be subsidized services. The question is moot because the Staff  
14 has made no recommendation that advanced educational services be  
15 priced below cost. Such a recommendation would be contrary to the  
16 alternative regulation rules. It is the Staff's intention that the Applicant  
17 will recover all costs associated with the digital video network with rev-  
18 enues from the service subscribers (both schools and other users), and if  
19 necessary from other competitive service revenues, shareholder funds,  
20 or reduced costs of service.

21  
22 20. Q. Why did the Staff not recommend that an infrastructure fund such as  
23 the "Heart of Ohio Fund" be created to fund communications infrastruc-  
24 ture projects for such interests as education, health care, older persons,  
25 low income persons, disabled persons, and others?

26 A. I am not sure what value such a fund would have in a service territory  
27 that will be 100% digital, with ubiquitous SS7 and 100% ISDN availabil-

1           ity. I do not know of any reasonable and cost effective infrastructure a  
2           third party fund could deploy that the Applicant has not already pro-  
3           posed to deploy as part of its infrastructure commitment? Furthermore,  
4           I see no reason why the Staff should be able to require only this  
5           Applicant to donate money to such an infrastructure fund. To do so  
6           would seem highly inequitable and anti-competitive. An infrastructure  
7           fund would seem only to create more questions than solutions in addi-  
8           tion to depleting finite resources through increased administrative  
9           expenses.

10  
11   21.   Q.   Can you give a rough estimate of the cost to set-up a fiber based two-way  
12           interactive classroom?

13           A.   The cost of any two classrooms is likely to be different and the difference  
14           can be quite large. Several factors determine the cost of setting up a class-  
15           room. Each individual project will vary according to the service desires  
16           of the school, the funds available, the cost of equipment, the classroom  
17           itself, what equipment is included as part of the network, and the net-  
18           work capabilities. From lowest to highest, with all the variables, a class-  
19           room set could range between \$15,000 and \$100,000.

20           In the interest of narrowing the range, I can make some rough estimates  
21           with a few assumptions. First, I will assume that since Ameritech Ohio  
22           is proposing a digital network and will provide a CoDec to each class-  
23           room, most schools would choose a digital set-up. Second, I will assume  
24           the Education Support Team will be able to assist schools in acquiring  
25           CPE at better than retail rates. Depending on the quality and capabilities  
26           of the classroom the school has chosen to set up, the following equip-  
27           ment would be included: monitors, cameras, microphones, visual pre-

1       sents, audio mixers, amplifiers, channel selectors, camera switchers,  
2       speakers, tables, chairs, VCRs, laser disc players, stereo audio players,  
3       video source switchers, facsimile machines, room sound conditioning,  
4       computer, and electronics cabinet.

5       The cost will rise as schools choose more and/or better equipment. For  
6       instance, a classroom can be set-up using two 25 inch monitors, but six  
7       would offer better interaction, and bigger screens would offer better  
8       viewing. I would estimate the range would be between \$20,000 and  
9       \$45,000. This would include a moderate set-up with \$5,000 in room  
10      sound conditioning, six 25" monitors, two cameras, five microphones,  
11      an Elmo, an audio mixer, amplifiers, a channel selector, a VCR, a facsim-  
12      ile machine, a camera switcher (without remote switching), a compact  
13      disc player, and a cassette player.

14  
15   22.   Q.   Should the Staff have recommended that the Applicant provide the nec-  
16           essary CPE or establish a fund or funds to assist schools and/or local  
17           computer centers in purchasing and/or leasing CPE?

18       A.   No. The Staff is well aware of the often prohibitive costs of CPE and the  
19           need for adequate wiring in the schools. However, Staff did not recom-  
20           mend a requirement that the Company provide the CPE because CPE has  
21           been deregulated by the FCC. It was the Staff's belief that requiring the  
22           Company to provide CPE may violate the FCC's deregulation.  
23           Furthermore, it was the Staff's understanding that Ameritech Ohio is  
24           prohibited from selling CPE below fully distributed cost.

25       A reasonable answer to the question of who should pay for CPE and  
26       inside wire would be a collaboration. The Applicant should work with  
27       the Ohio Department of Education, the schools, the communities, local

1 businesses, manufacturers, other service providers, and the regulatory  
2 agencies to see to the needs of all schools. There is no one correct way to  
3 fund advanced telecommunications services for all schools, just as there  
4 is no one correct advanced telecommunication service that will best  
5 serve all schools. Funding for these services must come from all sources  
6 including; Company investors, local business contributions, government  
7 and other not-for-profit agency grants and loans, manufacturer discounts  
8 and donations, and school budgets.  
9

10 23. Q. Should the PUCO consider competitive bidding for infrastructure  
11 deployment?

12 A. No. The case is limited to the alternative regulation application for the  
13 Applicant. Therefore, it would not be appropriate to consider competi-  
14 tive bidding within the parameters of this case.

15 Regardless of the prima facie response to this question, I find the notion  
16 of mandated competitive bidding to be unwarranted under price cap  
17 regulation. Under a price cap framework, the incentive for the Company  
18 to maximize benefit and minimize cost is inherent. Additionally, a  
19 properly designed price cap mechanism protects the captive rate payer  
20 from uneconomic investments made by the Company.  
21

22 24. Q. Should special attention be given to deploying ISDN and digital com-  
23 pression technologies providing wideband copper wire capabilities, as a  
24 near term alternative to fiber deployment?

25 A. ISDN deployment is occurring at a very rapid pace. In the five years  
26 identified in the Plan, the Company will progress from over 75% to 100%  
27 availability. It is impossible to give more attention to ISDN deployment.

1 Whether digital compression over copper or broadband over fiber is the  
2 proper deployment plan should be dictated by a number of factors  
3 including demand forecasts, emerging technologies, costs, and adaptabil-  
4 ity. Currently, fiber has been the replacement and new deployment  
5 medium of choice for most interoffice lines and an increasing number of  
6 feeder and distribution loops. The Staff has avoided advocating one  
7 choice over another believing that customer demand for services and  
8 sound business practices should dictate these decisions. I believe, for the  
9 foreseeable future, a myriad of networks with differing delivery media  
10 and differing service applications and increasing interconnectivity  
11 between networks will continue to be the trend.

12  
13 25. Q. Did the Staff fail to "protect schools located in 'poor' districts?"

14 A. No. To the limited degree possible, Staff did consider the special needs of  
15 economically disadvantaged school systems. The Applicant proposed  
16 discounts on tariffs and the Staff noted that these discounts were in the  
17 public interest only to the degree that they offer schools a "real opportu-  
18 nity to reap the benefits of distance learning and other telecommunica-  
19 tions services." (Staff Report, p. 110) Without actual tariffs to study, it is  
20 impossible, at this time, for Staff to determine the actual value of the  
21 proposed discount. It is also important to note that the Applicant's  
22 commitment is to deploy fiber to all high schools, including economi-  
23 cally disadvantaged schools, which make a qualifying request. The  
24 Company has proposed a commitment that would require the Company  
25 to deploy fiber to the building of any high school, technical/vocational  
26 school, college or university, within a maximum of 180 days after a qual-  
27 ifying service request.



1 The concern is not that the Applicant will or will not deploy fiber if  
2 requested. The concern is whether an economically disadvantaged  
3 school (or any school) can afford to make the request. The true measure  
4 of the Applicant's commitment will be in how many and which schools  
5 are able to connect to the distance learning network as a result of the  
6 Company's efforts to offer tariff discounts and find funding for the nec-  
7 essary CPE via the dedicated education support team.  
8

9 26. Q. Do you believe the Staff should have recommended that the Applicant  
10 commit to a specified number of technical staff for a specified number of  
11 years as the dedicated support team?

12 A. No. That would have been entirely unnecessary. The Applicant com-  
13 mitted to providing a team of full-time dedicated technical staff. The  
14 Applicant's proposal was for an alternative regulation plan with no sun-  
15 set. Consequently, the Staff clearly understood this commitment to  
16 include the provision of that team to last as long as the Plan was in  
17 effect. The Staff will use to the commitments monitoring process to  
18 evaluate the adequacy of commitment fulfillment.  
19


20 27. Q. Should the Applicant be required to educate schools and public serving  
21 institutions about the availability of fiber based services, as well as the  
22 services available through other technologies and the possible applica-  
23 tions of both?

24 A. Yes, the Applicant should be required to educate the schools and public  
25 serving institutions about the availability of the services the Applicant  
26 can offer and the possible applications of those services. The public  
27 interest cannot be served, if the public is unaware of the possibilities.

1  
2 28. Q. Should the Staff have recommended that the Applicant's commitment  
3 to deploy fiber to certain categories of public serving institutions include  
4 municipal, county and state governmental institutions, and institutions  
5 dedicated to the economic development of low income communities?  
6 A. The Applicant's commitment included the deployment of fiber to all  
7 county jails; county, state, and federal court buildings; hospitals; and  
8 libraries. The Staff believes this commitment, as proposed, is quite ambi-  
9 tious and far reaching. Already, the commitment includes nearly 500  
10 facilities.  
11  
12 29. Q. Does this conclude your testimony?  
13 A. Yes, Thank you.

## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Prepared Testimony submitted on behalf of the Public Utilities Commission of Ohio was served by regular, U.S. mail, postage prepaid or hand delivered to the parties of record on this 19th day of July, 1994.



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