BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Review of Chapter 4901:1-6 of the Ohio Administrative Code, Regarding Telephone Company Procedures and Standards.	)))))	Case No. 14-1554-TP-ORD

REPLY COMMENTS ON THE PUCO STAFF'S PROPOSED RULE CHANGES BY EDGEMONT NEIGHBORHOOD COALITION, COMMUNITIES UNITED FOR ACTION, THE OFFICE OF THE OHIO CONSUMERS' COUNSEL, OHIO POVERTY LAW CENTER, PRO SENIORS, INC., AND SOUTHEASTERN OHIO LEGAL SERVICES

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TABLE OF CONTENTS

Page

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I. INTRODUCTION

As required by law,[1] the Public Utilities Commission of Ohio ("PUCO") is conducting its five-year review of the rules that govern the service that telephone companies in Ohio provide to their customers, Ohio Adm. Code Chapter 4901:1-6.[2] The PUCO Staff has proposed several changes to the rules, primarily to the Lifeline rules.

By Entry dated January 7, 2015, the PUCO has asked for public comment on the PUCO Staff's proposed changes to the telephone rules. In response to the Entry, Edgemont Neighborhood Coalition, Communities United for Action, the Office of the Ohio Consumers' Counsel, Ohio Poverty Law Center, Pro Seniors, Inc., and Southeastern Ohio Legal Services (collectively, "Consumer Advocates") filed Comments in this case on February 6, 2015. In order to strengthen the consumer protections in the rules, the

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[1] R.C. 106.03; R.C. 111.15.

[2] These Reply Comments will refer to individual rules within this Chapter as "Rule __."

Consumer Advocates recommended several changes to the PUCO Staff's proposed rules, especially regarding Lifeline services.[3]

Comments were also filed by representatives of the telephone industry – the AT&T Entities ("AT&T"),[4] the Ohio Telecom Association ("OTA") and Cincinnati Bell Telephone Company LLC ("CBT"). The Consumer Advocates agree with the telephone industry interests that the PUCO should modify or delete proposed Rule 19(M).[5] As the Consumer Advocates stated,[6] the Federal Communications Commission's ("FCC") requirement to de-enroll Lifeline customers for non-usage does not apply to carriers who collect a monthly fee from customers.

In general, however, the telephone industry interests make arguments that would reduce consumer protections in the rules and would allow unfettered increases in installation and reconnection charges for basic local exchange service. The PUCO should reject the telephone industry's proposals discussed below.[7]

The Ohio Cable Telecommunications Association ("OCTA") also filed comments. The PUCO should not adopt OCTA's suggestion that Rules 12(A) and (C) be revised to reflect that some local exchange carriers are not required to offer basic service. The proposed change is unnecessary and would cause customers of incumbent local exchange carriers to lose important consumer protections.

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[3] See Consumer Advocates Comments at 2-16.

[4] The AT&T Entities are The Ohio Bell Telephone Company (a/k/a AT&T Ohio), AT&T Corp., Teleport Communications America LLC, New Cingular Wireless PCS LLC, and Cricket Communications, Inc. See AT&T Comments, n.1.

[5] See OTA Comments at 8; AT&T Comments at 13-14; CBT Comments at 4.

[6] Consumer Advocates Comments at 9-13.

[7] If the Consumer Advocates do not address a particular argument presented in another party's comments, this should not be construed as the Consumer Advocates' acquiescence to that argument.

II. DISCUSSION

A. The PUCO should continue to allow residential customers with more than one line to have the protections afforded basic service on one of the lines.

Both OTA and AT&T argue that PUCO should declare that a residential customer subscribing to multiple lines, whether as single lines or as part of a bundled package, is not a basic service customer.[8] Both note that Rule 1(C) incorporates by reference the statutory definition of basic service contained in R.C. 4927.01(A)(1) which, they claim, limits basic service for a residential customer to service over one line. AT&T also contends that allowing a basic service residential customer to have more than one line has created operational issues.[9] Neither of these arguments should persuade the PUCO to restrict the number of lines a basic service residential customer can have.

The telephone interests merely reiterate the arguments that were made more than four years ago in the rulemaking implementing Substitute Senate Bill 162. The PUCO rejected the arguments then, stating:

> [W]e do not accept AT&T's interpretation with respect to the word "single" foreclosing a BLES customer from having a second line. Rather, we agree with OPTC that, for purposes of the definition of BLES in Section 4927.01(A)(1), Revised Code, residential access and usage of services "over a single line" does not preclude a customer from having a second non-BLES line, as long as such service "is not part of a bundle or package of services." In other words, the first residential line can still be BLES, even if a customer purchases other a la carte services or features, including a second line.[10]

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[8] OTA Comments at 2-3; AT&T Comments at 2-6.

[9] AT&T Comments at 5.

[10] See *In the Matter of the Adoption of Rules to Implement Substitute Senate Bill 162*, Case No. 10-1010-TP-ORD, Opinion and Order (October 27, 2010) ("2010 Order") at 20.

In addition, the PUCO also previously rejected the argument that a basic service residential customer should not have more than one line because of operational issues that would be created:

> We continue to believe that the legislative intent clearly identified BLES as "a single line" whether or not that line is purchased with a la carte features and/or another line. The operational issues cited by AT&T are not persuasive. A regulated telephone company must address operational issues regarding how to comply with Commission rules and orders today and in the future. In this case, because BLES is a tariffed service, the Commission would expect AT&T to address such operational issues within its tariff filing for BLES.[11]

The definition of "basic local exchange service" in R.C. 4927.01(A)(1) has not changed since the PUCO made these rulings in 2010. OTA and AT&T have offered no new arguments. The PUCO should reject their arguments once again.

B. Customers should continue to receive a 15-day notice of rate increases and of changes in terms and conditions of service for non-tariffed service.

In their comments, the telephone interests argue that the PUCO should eliminate all the customer notice requirements in Rule 7 for non-tariffed services.[12] CBT contends that the PUCO should retain only the notices required by statute.[13] Further, CBT claims that it has "found that customers generally prefer price change notices be included on the bill with the price change."[14] CBT asserts that "[a]dvance notice on bills often is not as effective because customers forget about the notice and call CBT's business office to inquire about the price change."[15] CBT would have the PUCO let telephone companies

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[11] Case No. 10-1010-TP-ORD, Second Entry on Rehearing (December 15, 2010) at 6.

[12] OTA Comments at 3; AT&T Comments at 6; CBT Comments at [1]-[2].

[13] CBT Comments at [1]. CBT also references statutory arguments made by OTA, but OTA did not raise statutory arguments in its comments.

[14] Id. at [2].

[15] Id.

decide – "consistent with a competitive marketplace"[16] – how to appropriately inform customers of price changes. The PUCO should reject the changes proposed by OTA, AT&T and CBT.

As AT&T noted, the 15-day notice requirement is found in R.C. 4927.17(A).[17] That statute requires that "a telephone company shall provide at least fifteen days' advance notice to its affected customers of **any** material change in the rates, terms, and conditions of a service and **any** change in the company's operations that are not transparent to customers and may impact service." (Emphasis added.) The statute is not limited to tariffed services; it makes exceptions only for withdrawal of a service through R.C. 4927.07 and increases in basic service rates through R.C. 4927.12, both of which require a 30-day notice. R.C. 4927.17(A) requires a 15-day notice for changes in terms and conditions of service, and the PUCO must require the same notice in its rules.

In addition, CBT provides no support for its claims that customers prefer no notice of price increases. CBT uses the vaguest of terms to support its position that customers "generally prefer" no notice and that advance notice of price increases is "often" not as effective as zero-day notice. Yet CBT offers no customer surveys or any other documentation to support its claims. The PUCO should not eliminate an important consumer protection based on unsubstantiated assertions.

The PUCO long ago determined that customers need advanced notice of price increases "for the purpose of educating customers and providing the opportunity for

[16] Id.

[17] See AT&T Comments at 6

customer objection prior to the effective date of a proposed change."[18] The PUCO has recognized that "customer notice takes on even more importance in a detariffed environment."[19]

It is important for customers to have advance pricing information regarding competitive services in order to make economically sound decisions. The telephone interests have provided no basis to eliminate the 15-day notice requirement for non-tariffed services. The PUCO should retain the requirement.

C. The changes to Rules 12(A) and (C) proposed by OCTA would harm customers by removing consumer protections from basic service provided by incumbent local exchange carriers.

Rule 12(A) requires a local exchange carrier that provides basic service to "conduct its operations so as to ensure that the service is available, adequate, and reliable consistent with applicable industry standards." Rule 12(C) sets out the standards for basic service provided by a local exchange carrier. OCTA asserts that because local exchange carriers are not required to offer basic service, the rule should be changed to apply to local exchange carriers "choosing to provide" basic service.[20] The PUCO should not make this change.

OCTA's assumption that all local exchange carriers are not required to offer basic service is wrong. When it comes to offering basic service, incumbent carriers have no choice. R.C. 4927.11 states that, with certain limited exceptions that are subject to

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[18] *In the Matter of the Review of Chapter 4901:1-6, Ohio Administrative Code*, Case No. 06-1345-TP-ORD, Opinion and Order (June 6, 2007) at 63.

[19] Id. at 59.

[20] OCTA Comments at 2.

PUCO-approved waiver,[21] "an incumbent local exchange carrier shall provide basic local exchange service to all persons or entities in its service area requesting that service, and that service shall be provided on a reasonable and nondiscriminatory basis." Because incumbent carriers do not choose to provide basic service, OCTA's proposal would make the rule inapplicable to incumbent carriers. Customers of incumbent carriers' basic service would thus lose the consumer protections in Rules 12(A) and (C).

Further, the change is unnecessary. Whether a local exchange carrier chooses to provide basic service or is required to provide basic service, the carrier is nevertheless providing the service. The provisions of Rule 12 apply to any carriers providing basic service, and to no other carrier or service.

OCTA's suggested change to Rules 12(A) and (C) is unnecessary and would harm consumers. The PUCO should not adopt OCTA's proposal.

D. Rule 14(H)(2) helps to protect consumers of basic service offered by competitive local exchange carriers, and should not be modified.

Rule 14(H)(2) provides:

> Material changes in terms and conditions of an existing BLES by a LEC, including the introduction of a nonrecurring service charge, surcharge or fee to BLES by a CLEC, shall be filed through a thirty-day application for tariff amendment (ATA) filing. A standard of reasonableness will be applied to these charges including, but not limited to, a comparison with similar charges previously approved by the commission and similar charges assessed by other providers. Such application requires a customer notice to be filed in accordance with rule 4901:1-6-07 of the Administrative Code.

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[21] If the owner, operator, or developer of a multitenant real estate property (a) permits only one provider of telecommunications service, and which is not incumbent, to install the provider's facilities or equipment during the construction or development phase of the multitenant real estate; (b) accepts or agrees to accept incentives or rewards that are offered by a telecommunications service provider and are contingent on the provision of telecommunications service by that provider to the occupants, to the exclusion of services provided by other telecommunications service providers; or (c) collects from the occupants of the multitenant real estate any charges for the provision of telecommunications service to the occupants, including charges collected through rents, fees, or dues. R.C. 4927.11(B)(1). The incumbent may also seek a waiver of the obligation to provide basic service to customers. R.C. 4927.11(C).

OTA and AT&T argue that the current rule provides for the introduction of a nonrecurring service charge, surcharge or fee to basic service by a competitive local exchange carrier ("CLEC"), but does not provide similar authority for an incumbent carrier.[22] They contend that there is no basis for such a differentiation in the law.[23] They urge the PUCO to modify Rule 14(H)(2), but do not provide any language for modifying the rule.

R.C. 4927.12 sets pricing parameters for basic service provided by incumbent carriers. It does not, however, limit CLECs' ability to raise basic service rates. The PUCO, nevertheless, has retained oversight of CLECs' basic service offerings through the tariffing and notice provisions of Rule 14(G) and the tariffing of charges and fees associated with basic service in Rule 14(H). This provides a measure of protection for customers of basic service offered by CLECs.

OTA and AT&T raised similar arguments in the 2010 proceeding. The PUCO, in the 2010 Order, noted that allowing incumbent carriers to impose other charges on basic service may circumvent the statutory restrictions on their basic service rates:

> Given the lengths that the law goes to in protecting BLES rates, it would make no sense, in our view, to have no pricing parameters around BLES fees which could easily put BLES out of reach for some customers. Moreover, we do not find compelling AT&T's argument as to the unfairness of applying this restriction only on the ILECs, since the law only places the requirement to provide BLES on the ILECs.[24]

Once again, the telephone interests advocate a position that the PUCO previously rejected. No circumstances have changed since the PUCO's last decision, and the

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[22] OTA Comments at 4; AT&T Comments at 9.

[23] Id.

[24] 2010 Order at 21. Neither AT&T nor OTA sought rehearing on this issue in the 2010 rulemaking.

telephone interests raise no new arguments. Hence, the PUCO should reject modifying Rule 14(H)(2).

E. The PUCO should continue to require the tariffing of late payment charges to ensure that basic service customers are not subject to usurious charges.

Rule 14(I) provides that late payment charges for basic service may be introduced or increased through a 30-day ATA filing, with the notice to customers required in Rule 7. Rule 14(I) states that "[a] standard of reasonableness will be applied to late payment charges including, but not limited to, a comparison with similar charges previously approved by the commission and similar charges assessed by non-regulated providers."

OTA and AT&T argue that the PUCO should eliminate Rule 14(I). They claim that R.C. 4927.12 does not explicitly authorize the PUCO to regulate late payment charges for basic service.[25] OTA also asserts that late payment charges are not included in the definition of basic service and are not inherently part of providing service.[26] The telephone interests are wrong.

R.C. 4927.12(F) provides that the rates, terms, and conditions for basic service "**shall** be tariffed in the manner prescribed by rule adopted by the commission." (Emphasis added.) Late payment fees are among the terms and conditions of basic service, and thus the statute requires them to be tariffed as prescribed by the PUCO.

In the 2010 Order, the PUCO determined that late payment fees were among the charges that could cause basic service to be priced out of reach for customers.[27] It has long been PUCO policy to "ensure that customers will not be abused by unreasonable late

[25] OTA Comments at 4; AT&T Comments at 8.

[26] OTA Comments at 4-5.

[27] 2010 Order at 21.

payment fees."[28] Although the PUCO provides automatic approval of late payment fee applications, it nevertheless has a statutory interest in ensuring that late payment fees – as a term and condition of basic service – are not used to circumvent the basic service pricing limitations in R.C. 4927.12.

Without PUCO monitoring of late fees associated with basic service, consumers could be subjected to usurious late payment charges. The PUCO should reject the telephone interests' proposal to delete Rule 14(I).

F. The cap on installation and reconnection fees for basic service is necessary to keep basic service from being unaffordable for customers.

OTA and AT&T argue that the PUCO should remove the cap on basic service installation and reconnection fees contained in Rule 14(J). They assert that no statute directs the PUCO to establish a cap on fees for installation and reconnection of basic service.[29] OTA also claims that the Ohio telecom marketplace is "highly competitive with hundreds of companies selling voice, video, and data services…," and that the rule would "hinder competition and innovation over the long term."[30] AT&T and OTA are wrong.

As with other charges discussed above, installation and reconnection fees can be a means for incumbent carriers to circumvent the pricing restrictions on basic service found in R.C. 4927.12. The PUCO was correct in the 2010 Order to cap installation and reconnection fees at the 2010 rates.[31] R.C. 4927.12(F) provides that "installation and

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[28] See *In the Matter of the Amendment of the Minimum Telephone Service Standards As Set Forth in Chapter 4901:1-5 of the Ohio Administrative Code*, Case No. 05-1102-TP-ORD, Entry on Rehearing (July 11, 2007) at 31.

[29] OTA Comments at 5; AT&T Comments at 10-11.

[30] OTA Comments at 6.

[31] 2010 Order at 21.

reconnection fees for basic local exchange service shall be tariffed in the manner prescribed by rule adopted by the commission." Nothing in the statute prohibits the PUCO from capping installation and reconnection fees for basic service.

Further, the market for basic service is not "highly competitive," as OTA claims. There are not hundreds of carriers offering basic service, or even a service that is comparably priced, to residential customers in a given exchange. Instead, customers wanting basic service generally are limited to the incumbent's offering and the service provided by prepaid local service providers, whose rates are considerably higher than the incumbent's. The cap on installation and reconnection charges is necessary to avoid customers having to pay excessive rates to obtain, or be reconnected to, the incumbent carrier's basic service.

The arguments presented by OTA and AT&T were presented to the PUCO in the 2010 rulemaking. As with other positions advanced by the telephone interests, the PUCO rejected them in 2010. OTA and AT&T have not offered new arguments on this issue. Thus the PUCO should not adopt the telephone interests' proposals in this proceeding, either.

G. Multiple basic service rate increases per year and increases to only one class of basic service must not result in an increase of more than $1.25 in any 12-month period.

OTA and AT&T ask the PUCO to clarify that Rule 14 allows for multiple rate increases per year so long as the rate increases do not exceed the $1.25 cap per customer.[32] Although the PUCO has recognized that multiple rate increases in a 12-month period are permitted so long as the total increases in that time do not exceed

[32] OTA Comments at 6; AT&T Comments at 7.

$1.25,[33] no incumbent carrier has opted for multiple rate increases to basic service in a 12-month period.

If an incumbent carrier does opt to make multiple basic service rate increases in a 12-month period, the PUCO should ensure that the increases do not total more than $1.25 within *any* 12-month period. The 12-month period should not be measured only between the anniversary dates of the carrier's approval for basic service pricing flexibility in the exchange. For example, an incumbent carrier that receives approval for basic service pricing flexibility on January 2 but waits until December 31 to increase rates by $1.25, should not be allowed to increase them again by any amount until December 31 of the following year. This interpretation is consistent with R.C. 4927.12(C)(1)(b) and (C)(3)(c).

OTA and AT&T also ask the PUCO to clarify that increases for business customers do not preclude increasing rates for residential customers.[34] If the PUCO makes such a clarification, it should also clarify that increasing rates of basic service for business customers does not *require* increasing the rates of basic service for residential customers. And again, any increases must meet the requirements and limitations in R.C. 4927.12, including a showing that at least two alternative providers serve residential customers in the exchange.

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[33] See *In the Matter of the Implementation of H.B. 218 Concerning Alternative Regulation of Basic Local Exchange Service of Incumbent Local Exchange Telephone Companies*, Case No. 05-1305-TP-ORD, Entry on Rehearing (May 3, 2006) at 25.

[34] OTA Comments at 6; AT&T Comments at 7.

H. Because printed directories are still essential to many customers, the PUCO should retain the requirement that local exchange carriers who offer basic service must make a printed white pages directory available to customers upon request, and the directory should include the information required by Rule 15(A).

The telephone interests urge the PUCO to eliminate the requirement in Rule 15(B) that local exchange carriers furnishing basic service must make a printed directory available to customers upon request. They argue that R.C. 4927.01(A)(1)(b)(vi) only requires that they provide "a telephone directory in any reasonable format for no additional charge," and they assert that providing only an electronic directory meets this requirement.[35] OTA suggests that telephone companies be allowed to charge customers for printed directories.[36] The telephone interests are wrong.

In the 2010 Order, the PUCO recognized that one day printed directories may no longer be needed.[37] But, the PUCO found that it is premature to eliminate the option for customers to receive a printed directory: "[G]iven the current state of broadband access and subscribership in Ohio at this time, we determine that, for BLES customers, 'reasonable format' must include the option, at a customer's request, to have a printed directory."[38] Customers should still be able to receive a printed directory upon request.

Printed directories are still a necessity for many Ohioans because Internet access still is not available to all areas of the State. Many more Ohioans do not have access to computers. These consumers would not have access to the important information included in printed directories. The PUCO should not sever these consumers from

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[35] OTA Comments at 6; AT&T Comments at 13; CBT Comments at [3].

[36] OTA Comments at 7.

[37] 2010 Order at 22.

[38] Id. at 22-23.

directory access, or make them pay for it. Consumers do not have to pay for the multiple versions of yellow pages directories that are delivered to them. They should not have to pay for a white pages directory that they are entitled to under Ohio law.

CBT claims that it produces a very small number of printed directories.[39] CBT does not disclose how many printed directories it produces. But the fact that CBT still produces white pages directories, shows that a number of customers still want and use a printed white pages directory. CBT has been distributing white pages directories only upon request for more than six years.[40] Even though CBT has made an effort to persuade customers to move away from printed directories over the past six years,[41] there is still customer demand for printed white pages directories in CBT's service territory.

AT&T complains that the information required by Rule 15(A) to be included in a directory (i.e., all published telephone numbers in current use within the ILEC local calling area, including numbers for an emergency such as 9-1-1, the local police, the state highway patrol, the county sheriff and fire departments, the Ohio relay service, operator service, and directory assistance) is outside the PUCO's authority under Ohio law. That is not the case.

Ohio law leaves it up to the PUCO, not the "marketplace,"[42] to determine a reasonable format for directories. The "marketplace" that AT&T chooses to recognize is

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[39] CBT Comments at [2]-[3].

[40] *In the Matter of the Application of Cincinnati Bell Telephone Company LLC for Waiver of Certain Minimum Telephone Service Standards Pursuant to Chapter 4901:1-5, Ohio Administrative Code*, Finding and Order (January 7, 2009).

[41] In seeking a waiver of the PUCO's former directory requirement, CBT promised to "conduct an extensive informational campaign for its customers to educate them on the availability of the electronic directory." Id., Application (October 31, 2008) at 5. This included bill inserts, billing messages, e-mail messages to its Internet service customers and text messages to its wireless affiliate's customers. Id.

[42] AT&T Comments at 13.

one where all consumers have access to, and are able to afford, all the advanced services a carrier may offer, as well as multiple mobile electronic devices. The reality is that many Ohioans – in cities and in rural areas – must rely on their traditional landline service. Requirements for the minimum information to be included in the directory help make directory information consistent in all of Ohio, and make directories useful to all Ohioans. The PUCO should retain the requirement that directories contain all published numbers in the local calling area and the other information required by Rule 15(A).

I. The PUCO should retain a 60-day timeframe for allowing Lifeline customers to demonstrate their continued eligibility for Lifeline.

Under Proposed Rule 19(L) (which is current Rule 19(M)), Lifeline customers whose benefits are to be terminated because they did not submit acceptable documentation for continued eligibility are given an additional sixty days to submit acceptable documentation of continued eligibility or to dispute the carrier's findings. The telephone interests urge the PUCO to modify proposed Rule 19(L) to shorten the 60-day timeframe to 30 days, in order to be consistent with the PUCO's ruling in Case No. 10-2377-TP-COI.[43] The PUCO should reject the telephone interests' suggestion.

The 60-day period for customers to provide documentation of continued eligibility is statutory. R.C. 4927.13(C)(3) provides: "The carrier shall provide written customer notification if a customer's lifeline service is to be terminated due to failure to submit acceptable documentation for continued eligibility for that assistance and **shall** provide the customer an **additional sixty days** to submit acceptable documentation of

[43] OTA Comments at 7-8; AT&T Comments at 13; CBT Comments at 4.

continued eligibility or dispute the carrier's findings regarding termination of the lifeline service." (Emphasis added.)

The PUCO is a creature of statute and cannot change a rule that contains a statutory requirement. The PUCO should retain the 60-day period in the rule.

J. The PUCO should make Proposed Rule 19(J) applicable to CLECs because there may be instances where a CLEC is the only Eligible Telecommunications Carrier serving customers in an exchange.

Proposed Rule 19(T)(1) identifies other provisions of the lifeline rules that apply to CLECs. The rule includes Proposed Rule 19(J), which contains requirements for automatic enrollment in the event there is only one Eligible Telecommunications Carrier ("ETC") serving an exchange. AT&T suggests that the PUCO remove Proposed Rule 19(J) from the list because it is applicable only to incumbent carriers.[44] The PUCO should reject AT&T's suggestion.

Although the sole ETC in an exchange would likely be the incumbent, there could be instances where an incumbent may relinquish its ETC status under 47 C.F.R. §54.205 and Rule 9(D)(2). This might leave a competitive ETC as the only ETC serving the exchange. In order to protect customers, the PUCO should provide for this possibility in its rules. And the PUCO should make the changes to Proposed Rule 19(J) recommended in the Consumer Advocates' Comments.[45]

K. The PUCO should protect Ohioans whose carrier is abandoning service in the State.

Under Rule 26(I), a telephone company cannot discontinue services provided to a local exchange carrier that has filed an application to abandon service before the PUCO

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[44] AT&T Comments at 14-15.

[45] Consumer Advocates' Comments at 5-9.

rules on the application. AT&T asks the PUCO to exempt from the rule disconnection of the CLEC for nonpayment.[46] The PUCO should reject AT&T's suggestion.

The rule helps protect customers who have already paid the CLEC for service, even though the CLEC did not pay the incumbent for services it rendered to the CLEC. Customers should not lose service they have paid for while they try to find another provider to replace the carrier that is abandoning service. The PUCO has long recognized that customers in this situation need to be protected.[47] The PUCO should continue this consumer protection.

L. The PUCO should not remove rules that require dissemination of information to consumers and state officials during emergencies and outages.

Rule 31 contains requirements for facilities-based carriers during emergencies and major outages. The telephone interests argue that the PUCO's rules should mirror the FCC's reporting requirements regarding emergency and outage conditions. OTA urges the PUCO to delete Rule 31(B) through (G).[48] CBT would go further and delete the entire rule except the second and third sentences of Rule 31(A). CBT contends that there is no need for priority restoration and other provisions because it is in carriers' own best interests to develop emergency plans.[49] CBT claims that the content of those plans "should be driven by customers, risk management, and the market, rather than by a perceived regulatory need."[50] The telephone interests are wrong.

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[46] AT&T Comments at 15-17.

[47] See *In the Matter of the Commission Ordered Investigation of the Existing Local Exchange Competition Guidelines*, Case No. 99-998-TP-COI, Opinion and Order (February 13, 2003) at 45 and Appendix A at 45.

[48] OTA Comments at 8-9. AT&T supports this position. AT&T Comments at 17.

[49] CBT Comments at [5].

[50] Id.

It is unwise for the PUCO to mirror FCC regulations in this regard. Under the FCC's rules, state commissions receive only the federal information that the U.S. Department of Homeland Security gives them.[51] The PUCO could be without important information that affects Ohioans.

In addition, the PUCO rules help disseminate information to customers who are affected by a major outage and to appropriate state officials. The PUCO should not let carriers dictate the information that the PUCO and the public receive regarding major outages and emergencies.

Further, Rule 31(F)(2) requires carriers' emergency plans to include "[p]rocedures for priority treatment in restoring out-of-service trouble of an emergency nature for customers with a documented medical or life-threatening condition." Without this requirement, such customers may have no telephone service for an extended period of time.

The telephone interests' proposal to eliminate nearly all of the PUCO's outage and emergency operation rule is imprudent. The PUCO should reject the telephone interests' proposal, and retain Rule 31 as the PUCO Staff proposed.

III. CONCLUSION

The PUCO should improve consumer protections for Ohioans in its rules. The proposals by OTA, AT&T, CBT and OCTA discussed in Section II above would undermine consumer protections. The PUCO should reject these proposals. But the PUCO should adopt the recommendations discussed in the Consumer Advocates'

[51] See 69 Fed. Reg. 70317 (December 3, 2004).

Comments. The Consumer Advocates' recommendations would strengthen protections for Ohioans, especially Lifeline customers.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of these Reply Comments was served on the persons stated below via electronic transmission this 6th day of March 2015.

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Summary: Comments Reply Comments on the PUCO Staff's Proposed Rule Changes by Edgemont Neighborhood Coalition, Communities United for Action, the Office of the Ohio Consumers' Counsel, Ohio Poverty Law Center, Pro Seniors, Inc., and Southeastern Ohio Legal Services electronically filed by Patti Mallarnee on behalf of Etter, Terry L Mr.