

**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         | ) | Case No. 14-1554-TP-ORD |
| Telephone Company Procedures and )     |   |                         |
| Standards.                             | ) |                         |

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**INITIAL COMMENTS OF CINCINNATI BELL TELEPHONE COMPANY LLC**

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Cincinnati Bell Telephone Company LLC (“CBT”) is an incumbent local exchange company offering voice, data and video services in Southwest Ohio. Like many other telecommunications providers, CBT is gradually shifting its network technology from copper wire TDM services to a fiber optics plant employing Internet Protocol (“IP”). This transition will allow carriers to offer the most advanced voice, data and video services by fiber directly to the home. CBT is also a member of the Ohio Telecom Association (“OTA”). CBT fully supports the Initial Comments of the OTA, which are being filed contemporaneously. CBT offers a few general observations in support of the OTA’s positions.

Since the enactment of the Telecommunications Act of 1996, the competitive landscape for telephone service has drastically changed. Instead of having a single wireline carrier as the only choice, consumers now have multiple options for receiving service. The 131<sup>st</sup> Ohio General Assembly recognized this with the enactment of Amended Substitute House Bill 64 (“HB 64”), which took an important step to transition away from monopoly-era regulation. No longer is the ILEC singled out as the mandatory carrier of last resort where other viable options exist. HB 64 provides a fairly detailed outline of what should happen where customers have options other than the ILEC.

HB 64 charged the Commission with promulgating rules to carry out its mandates. That led to the expansion of the Commission's pending five-year regulatory review in this docket to include the proposed new rules to implement HB 64. CBT respectfully submits that the rules proposed by Commission Staff on September 23, 2015 are not entirely consistent with the letter and spirit of HB 64. Thus, CBT supports the specific suggestions of OTA of how those draft rules should be modified before being adopted by the Commission.

As the OTA thoroughly explains, the proposed rules exceed the Commission's statutory authority and work contrary to the goals of HB 64. The proposed rules extend beyond basic local exchange service ("BLES") to cover withdrawal of other "voice services" and apply not only to the ILEC, but to any other provider. The purpose of HB 64 was to provide a route to relieve ILECs of COLR responsibility in competitive markets, not to perpetuate it, expand it to other services, or shift it to another provider. The rules would further burden the process by creating an application process, while the statute contemplates a notice procedure.

The general principle behind HB 64 is to relieve ILECs of the COLR obligation where the FCC has permitted withdrawal of the interstate access component of BLES and there are other reasonable alternatives for service. As described in the specific OTA comments, the rules proposed by Staff somewhat ignore that principle and attempt to continue imposing COLR obligations on a subsequent willing provider. That was certainly not the intent of the General Assembly in enacting HB 64. Its purpose was to deregulate, not to shift the same historic regulatory burdens onto a different provider. Doing so will be a disincentive to other providers being "willing."

Further, the statutory requirements to withdraw services only apply to BLES, not to other voice services. Instead of simply addressing the process for an ILEC to withdraw BLES as HB

64 provides, the draft rules would extend unnecessary regulation to other voice services, whether provided by an ILEC or a substitute willing provider. That was not the purpose of HB 64 and the Commission cannot by rule give itself powers that the General Assembly did not confer. The Commission may not regulate services or entities that the General Assembly has not authorized. In short, the new rules should only address the withdrawal of BLES by the ILEC and not shift a COLR obligation onto any other service or provider. Further, the withdrawal process should not involve an “application,” but should be a simple notice procedure that occurs automatically in the absence of a valid petition by a customer that truly has no reasonable alternative.

For the reasons identified above, CBT respectfully requests the Commission to adopt the recommendations made by the OTA in its comments.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I certify that the foregoing *Initial Comments of Cincinnati Bell Telephone Company LLC* were sent to the parties listed below this 26<sup>th</sup> day of October, 2015, *via* electronic transmission.

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Summary: Comments electronically filed by Mr. Douglas E. Hart on behalf of Cincinnati Bell Telephone Company LLC