BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In The Matter Of The Commissions Review Of	**)**	
Ohio Adm. Code Chapter 4901:1-7 Local	**)**	**Case No. 16-2066-TP-ORD**
Exchange Carrier To Carrier Rules	**)**	

REPLY COMMENTS OF AT&T OHIO

The Ohio Bell Telephone Company ("AT&T Ohio" or "AT&T")[1] has read the initial comments filed by the parties to this proceeding and hereby responds briefly to some of the points raised.

Comments of the Office of Ohio Consumer Counsel

The Office of Ohio Consumers Counsel ("OCC") proposes that Rule 3(F) be changed to require all local exchange carriers ("LECs") to inform every new customer that a listing of carriers authorized to provide intrastate, intraLATA toll service is available on the website of the Commission. OCC Comments at 2-5. This proposal is anachronistic and unnecessary; would be confusing to customers; and would conflict with the FCC's treatment of this issue. It should be flatly rejected.

The OCC asks that AT&T interrupt the normal enrollment process when a customer purchases new service (which is already long and complicated) to tell the customer that a list of intrastate, intraLATA toll providers is available on the Commission website. This conflicts with

[1] The Ohio Bell Telephone Company is a public utility in Ohio and provides certain Commission-regulated services and other non-regulated services. The Complainant used the name "AT&T" in its complaint. The Ohio Bell Telephone Company uses the name AT&T Ohio, which is used in this Answer.

the FCC's finding in 2007,[2] and again in 2013,[3] that scripting requirements to advise customers about long distance carriers are unhelpful and unnecessary. There, the FCC found that standalone long distance is a "fringe market" – meaning that it is giving way to competition from service bundles, including all-minute offers from wireless, cable and VOIP providers.[4] The FCC reasoned that, if there is no meaningful market for standalone long distance services, it makes no sense to impose special disclosure requirements for those services. The FCC also found that scripting requirements only give consumers information about one competitive alternative – standalone long distance service – and ignore bundled offerings, over-the-top VoIP services, dial-around long distance services and calling cards. This distorts, rather than promotes, competitive choices.[5]

The OCC proposal is just a scripting requirement in a different form because it would require AT&T to engage its customer in a discussion about the possible alternative providers of an obscure and nearly non-existent service called intrastate, intraLATA toll. Just as the FCC rejected long distance scripting requirements for interstate service, the Commission should reject the OCC proposal.

In light of the FCC's treatment of this issue, it is not surprising that the OCC failed to offer any evidence that supports its position or otherwise demonstrates any need for its proposal. In fact, there is no need to point LEC customers to the Commission website. Consumers are well aware that the internet is a vast and helpful source of information. They do not need AT&T to

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[2] *Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) with Regard to Certain Dominant Carrier Regulations for In-Region, Interexchange Services*, WC Docket No. 06-120, et al., Report and Order, 22 FCC Rcd 16440, 16501-02, ¶¶ 125-26 (2007).

[3] *Petition of USTelecom for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations*, WC Docket No. 12-61, et al., Memorandum Opinion and Order (released May 17, 2013).

[4] *2007 Order* at para. 121; *2013 Order* at para. 14.

[5] *2013 Order* at para. 14.

tell them that. And if customers were directed to the website, what would they see there? If they could figure out how to navigate the website at all, and could figure out where to look for lists of authorized carriers, and could then figure out what carrier type they are interested in (e.g., CLEC, ILEC IXC), they would see a list of over 80 interexchange carriers with only the names and addresses of those carriers. No phone numbers, no rates, no idea of the geographic area served, no idea of the services offered. Going to the Commission website as OCC suggests would only confuse customers.

This is a classic solution in search of a problem. The OCC cannot point to any problem that needs to be solved, because there is none. AT&T Ohio has not been reading long distance carrier scripts since 2007, when the FCC granted its forbearance order. Other LECs in Ohio have done likewise. Yet there has not been a single complaint from a customer or competitor in all that time.

Another failing of the OCC proposal is that it would create an irreconcilable conflict between the (proposed) state rule and the FCC's treatment of this issue. There is, of course, no neat line between the interstate/interLATA toll service (governed by the FCC) and intrastate/intraLATA toll service (governed by the Commission). In fact, there is no neat line between most types of calls, be they local, toll or otherwise. Customers typically do not know the difference, especially when they do not pay different rates for those calls, as is the case with the popular unlimited nationwide local and long distance calling provided by most carriers, including wireless carriers. In this environment, it would be impossible for an Ohio rule to apply only to one narrow type of traffic (i.e., intrastate, intraLATA toll) without affecting interstate toll. Stated differently, the FCC's order doing away with any scripting requirement for long distance carriers, and the policy judgments that buttress that order, cannot co-exist with a state

requirement that requires AT&T to tell every customer about a Commission website that lists toll carriers. The customer will have no idea what intrastate, intraLATA toll service is or why it needs to consider a separate carrier to provide it. And that customer confusion is the very thing that the FCC sought to avoid when it eliminated the federal scripting requirement.

Finally, the OCC proposal is far more intrusive than it appears to be. The existing Rule 3(F) requires scripting only "if the customer is unable to make a selection at the time of initiation of local service." The OCC proposal could be read to require that the website notification be given to all customers, even those that affirmatively choose a long distance provider. This is because the requirement appears at the end of the section in a separate sentence that is not clearly drafted to apply only to customers that do not make a selection at the time they order local service.

In short, the OCC proposal would impose an unnecessary notice obligation on LECs that would prolong the new service sign-up process and would confuse (and potentially annoy) customers. There is absolutely no reason to impose such a requirement and the Commission should reject the proposal.

Comments of the Ohio Cable Telecommunications Association

The Ohio Cable Telecommunications Association ("OCTA") makes several proposals. We address the most significant below:

1. **Rule 7-12: Compensation for the Transport and Termination of Non-Access Telecommunications Traffic.**

The OCTA makes the point that the reciprocal compensation rules of the Commission and the FCC should be tightly aligned. AT&T shares that view. The OCTA's proposal is to add the following language to Rule 7-12(A): "The provisions of this rule will apply to the extent that they are not inconsistent with Subpart H (Reciprocal Compensation for Transport and

Termination of Telecommunications Traffic) of Part 51 of Title 47 of the Code of Federal Regulations." OCTA Comments at 3.

While AT&T is sympathetic with the concern raised by the OCTA, we believe that the specific language proposed is not essential because the Commission already understands that the FCC rules will control. Rule 7-12(D)(1)(a), for example, already states that any rate for non-access reciprocal compensation shall be superseded by the transition process set forth in 47 C.F.R. 51.705(c). In other words, reciprocal compensation rates in Ohio will be established pursuant the FCC's transition process outlined in the FCC's 2011 *Intercarrier Compensation Reform Order*[6] and the accompanying FCC rules. In view of this language, AT&T Ohio believes that the existing reciprocal compensation rules of the Commission and the FCC will remain in alignment without the proposed revision.

The OCTA also raises a concern about tandem switching and the geographical area served by a tandem switch. OCTA Comments at 3-4. The concern is too general to merit any Commission action. There is no specific language being proposed, only a vague request that Rule 7-12(D)(2)(e) be revised to be consistent with FCC Rule 51.711. And the OCTA does not explain which part of Rule 7-12(D)(2)(e) should be revised, nor does it explain what part of FCC Rule 51.711 the state rule should be consistent with. Under these circumstances, AT&T Ohio recommends that Rule 7-12(D)(2)(e) be left as is.

2. Rule 7-14: Compensation for Intrastate Switched Access Reciprocal Compensation Traffic and Carrier-to-Carrier Traffic.

This rule deals with switched access rates, and the OCTA makes the same point here that it made for Rule 7-12, i.e., that the switched access reciprocal compensation rules of the

[6] *Connect America Fund, et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (Nov. 18, 2011), *pets. for review denied sub nom. In re FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

Commission and the FCC should be tightly aligned and new language should be added to the Commission rule. Again, AT&T shares that view. But again, AT&T believes that the proposed language is not essential because the Commission already understands that the FCC rules will control. Rule 7-14(C), for example, already says that terminating intrastate switched access reciprocal compensation rates "shall be transitioned to a default bill-and-keep compensation consistent with 47 C.F.R. 51.903-913." AT&T believes that this is sufficient to keep the switched access reciprocal compensation rules of the Commission and the FCC in close alignment.

3. Rule 7-22: Customer Migration.

The OCTA recommends that Rule 7-22(D) be revised to change the response interval for a request for customer service records from two business days to twenty-four (24) hours (unless otherwise negotiated and excluding weekends and holidays). AT&T agrees. This change will make the state rule consistent with the FCC rule and will better align it with current industry practice.

Conclusion

For all the reasons set forth above, AT&T Ohio respectfully requests that the Commission adopt its recommendations as set forth herein.

Respectfully submitted,

AT&T Ohio

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served this 24th day of February 2017 by U.S. Mail and/or electronic mail on the parties shown below.

/s/ Mark R. Ortlieb
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Summary: Comments Reply Comments of AT&T Ohio electronically filed by Mr. Mark R Ortlieb on behalf of AT&T Entities and AT&T Ohio and Ohio Bell Telephone Company