

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

COMMENTS OF THE OHIO TELECOM ASSOCIATION

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I. INTRODUCTION

On May 2, 2018, the Public Utilities Commission of Ohio ("Commission") sought additional comments regarding a proposed modification to Rule 4901:1-6-36, Ohio Administrative Code, the rule setting out the mechanism by which the Commission allocates the assessment for telecommunications relay services ("TRS"). If adopted, the proposed modification would state the formula by which the Staff of the Commission would calculate the assessment on service providers. With a minor change to eliminate or move a redundant sentence, the Ohio Telecom Association ("OTA") recommends that the Commission approve the proposed modification.

II. DISCUSSION

Under Ohio law, TRS is an intrastate transmission service that provides the ability for an individual who has a learning or speech impairment to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech impairment to communicate using voice communications by wire or radio. R.C. 4905.84(A)(1). Funding for TRS is provided through an assessment on service providers. R.C. 4905.84(B). The assessment is to be allocated proportionately among the service providers using a

competitively neutral formula based on the number of retail intrastate customer access lines or their equivalent. R.C. 4905.84(C). Those required to pay the assessment then may seek to recover the cost of the assessment through a customer charge. *Id.* The Commission may adopt rules to establish the assessment procedure and amounts. R.C. 4905.84(F).

Under its rulemaking authority, the Commission has adopted Rule 4901:1-6-36. Subsection (B) identifies the parties that are subject to the assessment. Subsection (C) states that the parties identified in Subsection (B) will be assessed in accordance with a schedule set by the Commission. Subsection (D) states generally that the Staff will allocate the assessment proportionately among the service providers using a competitively neutral formula.

In the May 2, 2018 Entry seeking comments, the Commission proposes to modify Rule 4901:1-6-36 in two ways.

First, it proposes a change to Subsection (B) that is not substantive. OTA has no position on the need for the nonsubstantive change.

Second, the Commission proposes to specify the calculation of the assessment. As proposed, Subsection (C) would be revised to state that the assessment on a service provider would be established under a two-step process. Initially, the annual appropriation for TRS, adjusted for the prior year's over or under collections, would be divided by the total number of lines reported on TRS reports, producing a rate per line. Then, the rate per line would be multiplied by the number of lines of the service provider.

As stated, the proposed process appears to comply with the statutory requirement that the assessment be established on a competitively neutral basis. Each service

provider would pay the assessment proportionately and at the same line rate as every other provider. It is also OTA's understanding that the proposed formula replicates the current practice that the Staff uses to set assessments. Accordingly, OTA supports the proposed revision to Subsection (C) of the rule.

With the changes proposed to Subsection (C), however, the first sentence of Subsection (D) appears unnecessary or misplaced. The first sentence of that subsection states, "The commission staff shall allocate the assessment proportionately among the appropriate service providers using a competitively neutral formula." Since Subsection (C) would provide the formula for calculating the assessment, the first sentence of Subsection (D) can be omitted or moved to Subsection (C) with no apparent change in meaning of either section. Accordingly, OTA recommends that the Commission either delete the first sentence of Subsection (D) or move it to the revised Subsection (C).

III. CONCLUSION

With a minor change, OTA supports the proposed modification to Rule 4901:1-6-36 because it is consistent with R.C. 4905.84 and current practice.

Respectfully submitted,

/s/ Frank P. Darr

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Comments of The Ohio Telecom Association*, was served upon the following parties of record this 18th day of May 2018, via electronic transmission, hand-delivery or first class U.S. mail, postage prepaid.

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