

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of XO |) | Case No. 20-0717-TP-UNC |
| Communications Services, LLC to revise its |) | |
| Intrastate Access Services Tariff |) | |

REVIEW AND RECOMMENDATION
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO

On April 7, 2020, XO Communications Services, LLC (Applicant) filed an application to revise its Intrastate Access Services tariff, PUCO No. 3, by revising the tariff language to state that effective May 8, 2020, Special Access Services will no longer be available to new customers. Further, moves, additions, or changes would no longer be available to existing customers. The Applicant indicated that there are no customers presently subscribed to these services. On May 22, 2020, following discussions with Commission staff, the Applicant filed amendments to its application to completely withdraw Special Access Services from its PUCO No. 3 tariff.

The application was initially filed as an application for tariff approval (ATA) to amend the Applicant's tariff. Absent full or partial suspension, such an application is approved in accordance with the thirty-day automatic approval process set forth in Ohio Adm.Code 4901:1-6-05. However, on March 16, 2020, in response to the COVID-19 pandemic, an attorney examiner entry was issued in Case No. 20-0591-AU-UNC that tolled any pending application or other filing during the state of emergency and during the 14 days thereafter. A subsequent attorney examiner entry was issued in that case on May 20, 2020, terminating the tolling requirement effective June 1, 2020. This application, then, was tolled upon its filing on April 7, 2020; however, upon the Applicant's filing of amendments to completely withdraw Special Access Services, the application became subject to Ohio Adm.Code 4901:1-6-25(D), which requires that a telephone company file an application and receive Commission approval prior to withdrawing a tariffed service other than basic local exchange service. Such an application is not subject to an automatic approval process.

Staff reviewed all documents and exhibits filed with this application as well as the amendments filed on May 22, 2020 and has determined that the proposed application is reasonable and satisfies the Commission's requirements set forth Ohio Adm.Code 4901:1-6-25(D). Further, as there are no customers currently subscribed to the Applicant's Special Access Services, no customer notice is necessary prior to the withdrawal of services. Accordingly, staff recommends that the application, as amended, be approved by the Commission with the withdrawal of services effective no earlier than the Applicant's filing of final tariff pages.

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Summary: Staff Review and Recommendation electronically filed by Jason Well on behalf of PUCO Staff