

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
XO COMMUNICATIONS SERVICES, LLC
TO REVISE ITS LOCAL EXCHANGE
SERVICES TARIFF.

CASE NO. 20-719-TP-ATA

FINDING AND ORDER

Entered in the Journal on June 3, 2020

I. SUMMARY

{¶ 1} The Commission approves the application in the above-captioned proceeding to revise XO Communications Services, LLC's local exchange services tariff.

II. DISCUSSION

{¶ 2} Pursuant to Ohio Adm.Code 4901:1-6-14(I)(2), material changes in terms and conditions of existing basic local exchange service shall be filed through a 30-day application for tariff amendment filing.

{¶ 3} On April 7, 2020, XO Communications Services, LLC (XO or Applicant) filed an application in Case No. 20-719-TP-ATA (20-719) to revise its Local Exchange Services Tariff, P.U.C.O. Tariff No. 5 to state that services offered under this tariff are grandfathered for existing customers. These customers include federal, state, and local government agencies, and educational institutions. Pursuant to the application, no moves, additions, or changes will be permitted for existing customers. The application included the requisite customer notice that was provided to existing customers.

{¶ 4} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19.

Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists.

{¶ 5} On March 16, 2020, an attorney examiner issued an Entry in Case No. 20-591-AU-UNC, directing that any time period prescribed by order, statute, or rule for the Commission to act upon a pending application or other filing should be tolled during the state of emergency and also during the 14 days thereafter, including the 30-day automatic approval process for certification applications to operate as a telephone company in the state of Ohio, as well as the 90-day period for the Commission to take action to approve or deny a suspended application. Further, the attorney examiner indicated that, during the declared emergency, Staff would continue to investigate pending applications and the Commission would act on such applications on a case-by-case basis. *In re the Proper Procedures and Process for the Commission's Operations and Proceedings During the Declared State of Emergency and Related Matters*, Case No. 20-591-AU-UNC, Entry (Mar. 16, 2020) at ¶ 5.

{¶ 6} The application filed in the above-captioned proceeding was, thus, subject to the March 16, 2020 Entry and suspended from automatic approval during the state of emergency.

{¶ 7} Staff filed its review and recommendation in this case on May 27, 2020. Staff believes that the application appears to satisfy the requirements set forth in Ohio Adm.Code 4901:1-6-14(I)(2) and 4901:1-6-07 and, therefore, recommends that the application be approved.

{¶ 8} Upon further review, the Commission determines that the application to revise XO's Local Service Tariff in the above captioned case should be approved. In reaching this determination, the Commission notes that existing customers subscribing to the impacted services were provided with the requisite customer notice.

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the application filed in the above-captioned case be approved. It is, further,

{¶ 11} ORDERED, That a copy of this Finding and Order be served upon all parties of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

JSA/kck

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Case No(s). 20-0719-TP-ATA

Summary: Finding & Order approving the application in the above-captioned proceeding to revise XO Communications Services, LLC's local exchange services tariff. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio