

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Joint Application of )  
SBC Communications Inc., SBC Delaware )  
Inc., Ameritech Corporation, and ) Case No. 98-1082-TP-AMT  
Ameritech Ohio for Consent and Approval )  
of a Change of Control. )

ENTRY

The Commission finds:

- (1) On April 8, 1999, the Commission issued an opinion and order approving the proposed merger and accompanying stipulation and recommendation filed by SBC Communications Inc., SBC Delaware Inc., Ameritech Corporation, and Ameritech Ohio. A Merger Service Quality Test was included in the merger stipulation filed on February 23, 1999, and was summarized on pages 14 through 17 of the opinion and order issued in this case. SBC Ohio (formerly Ameritech Ohio) is at risk for \$16.7 million for each of three years beginning May 1, 2000, if it does not pass the Merger Service Quality Test.
- (2) Pursuant to Section XIII.A.6 of the merger stipulation, SBC Ohio was required to provide to staff and certain consumer groups, for the 12 months ending April 30, 2001, a report describing SBC Ohio's performance for that period. The report was due 45 days after the end of the measurement period. Within 50 days of the end of the measurement period, SBC Ohio was required to file a report stating whether or not any payments are due for failing to meet the standards established in the Merger Service Quality Test. SBC Ohio timely filed a combined report on June 14, 2001, in which it claimed that it did pass the merger test for the first reporting period. Pursuant to Section XIII.A.6 of the stipulation, "If the Commission has not ordered otherwise within 60 days of such filing, the filing shall be deemed approved." By attorney examiner entries issued August 7, October 12, and December 7, 2001, the Commission extended the deadline for approval of the report. By attorney examiner entry issued February 8, 2002, the Commission suspended the approval deadline until otherwise ordered by the Commission.

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- (3) On May 13, 2002, SBC Ohio filed a motion in *In the Matter of the Commission-Ordered Investigation of Ameritech Ohio Relative to Its Compliance with Certain Provisions of the Minimum Telephone Service Standards Set Forth in Chapter 4901:1-5, Ohio Administrative Code*, Case No. 99-938-TP-COI, for an extension of time to comply with the requirement that the company calculate the Year Two merger stipulation performance measurements in accordance with the Second Supplemental Opinion and Order issued on January 31, 2002, in Case No. 99-938-TP-COI. SBC Ohio requested that it not be required to submit the Year Two performance measurements until 60 days after the Commission issues its final entry on rehearing of the Second Supplemental Opinion and Order. By entry dated May 30, 2002, the Commission granted SBC Ohio's motion for an extension of time and stated that it would address the time frame for SBC Ohio's submission in a subsequent entry.
- (4) In the June 20, 2002, entry on rehearing issued in Case No. 99-938-TP-COI, at page 41, the Commission stated that restated merger stipulation performance measures should be submitted to staff, with notice to intervenors in the merger case, within 45 days of the date of that entry on rehearing. The Commission further stated that any formal action on those items would be handled within the context of the merger case. Because of the filing of applications for rehearing in Case No. 99-938-TP-COI, SBC Ohio has not submitted any additional information to staff regarding its performance related to the Merger Service Quality Test. The Commission issued an entry today in Case No. 98-938-TP-COI addressing the issues raised on rehearing in that case related to the merger stipulation performance measures.
- (5) SBC Ohio shall submit to staff, with notice to intervenors, its report with restated figures for the 12 months ending April 30, 2001, within 30 days of the date of this entry. The report shall describe SBC Ohio's performance for that period as well as stating whether or not any payments are due for failing to meet the standards.
- (6) The company shall submit a report to staff, with notice to intervenors, for the 12 months ending April 30, 2002, within 45 days of the date of this entry. The report shall describe SBC Ohio's performance for that period as well as stating whether or not any payments are due for failing to meet the standards.

- (7) The company shall submit its report to staff, with notice to intervenors, for the 12 months ending April 30, 2003, within 60 days of the date of this entry. The report shall describe SBC Ohio's performance for that period as well as stating whether or not any payments are due for failing to meet the standards.
- (8) Pursuant to Section XIII.A.6 of the stipulation, if the Commission does not order otherwise within 60 days of the filing of a report, the report shall be deemed approved.

It is, therefore,

ORDERED, That SBC Ohio comply with the requirements of findings 5, 6, and 7. It is, further,

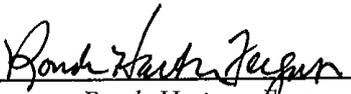
ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO




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Alan R. Schriber, Chairman



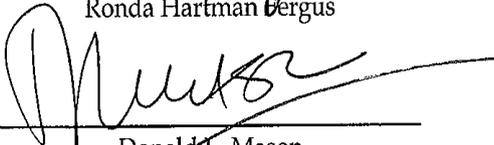

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Ronda Hartman Bergus



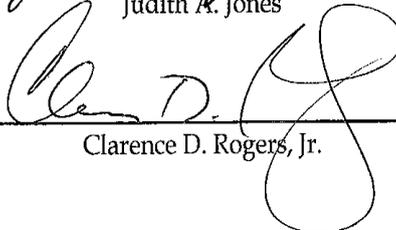

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Judith A. Jones




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Donald L. Mason




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Clarence D. Rogers, Jr.

PJD/vrm

Entered in the Journal

JUN 9 2004




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Renee J. Jenkins  
Secretary