

MC GINNIS & ASSOCIATES, INC.  
COLUMBUS, OHIO (614) 431-1344

PUBLIC UTILITIES COMMISSION

STATE OF OHIO

- - -

In the Matter of the Complaints )  
of Citizens Federal Bank, )  
Northwestern Local School )  
District, Citizens Federal )  
Bank, Citizens Federal Bank, )  
Springfield City Schools, and )  
West Carrollton School )  
District, )

Complainants, )

vs. )

Ameritech Ohio, )

Respondent. )

Case Nos. 96-37-TP-CSS  
96-38-TP-CSS  
96-39-TP-CSS  
96-40-TP-CSS  
96-427-TP-CSS  
96-466-TP-CSS

460

- - -

Hearing Room 11-D  
Borden Building  
180 East Broad Street  
Columbus, Ohio 43215  
Monday, September 8, 1997

Met, pursuant to assignment, at 11:00 o'clock a.m.

BEFORE:

Daniel Fullin, Attorney-Examiner.

- - -

\* DEPONET AFFILIATE \* CERTIFIED MIN-U-SCRIPT PUBLISHER \*

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Technician Anne M. Nix Date Processed Sept 23, 1997

1 APPEARANCES:

2 ON BEHALF OF THE COMPLAINANTS:

3 Robert C. Johnston, Esq.  
4 Shipman, Dixon & Livingston  
5 215 West Water Street  
6 Troy, Ohio 45373  
7 (937) 339-1500

8 ON BEHALF OF AMERITECH OHIO:

9 Charles Scott Rawlings, Esq.  
10 2639 Wooster Road  
11 Rocky River, Ohio  
12 44116 (216) 356-3172

13 Also Present:

14 Steven J. Longenecker  
15 Daniel R. McKenzie  
16 Richard A. Martin  
17 Andrea Kreckel

18 - - -

I N D E X

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WITNESSES

PAGE

Steven J. Longenecker  
Direct examination by Mr. Johnston

7

Daniel R. McKenzie  
Direct examination by Mr. Rawlings

10

- - -

EXHIBITS

MARKED

RECEIVED

Complainant's Exhibit No. 1 -  
Direct testimony of Steven J. Longenecker

8

8  
(Prefiled)

Ameritech Ohio Exhibit No. 1 -  
Direct testimony of Daniel R. McKenzie

9

11  
(Prefiled)

- - -

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P R O C E E D I N G S

- - -

Monday, September 8, 1997

Morning Session

- - -

THE EXAMINER: We'll just go on the record then. The Commission has assigned for hearing at this time and place six Cases 96-37, 38, 39 and 40, and 96-427 and 460, the complaints by Citizens Federal Bank, Northwestern Local School District, Springfield City Schools and West Carrollton School District, Complainants in the various cases all against Ameritech. My name is Daniel Fullin, Attorney-Examiner assigned to hear these cases.

Let me have the appearances on behalf of each of the parties, beginning with the Complainants.

MR. JOHNSTON: Robert Johnston, Shipman, Dixon and Livingston, attorney on behalf of all of the Complainants.

THE EXAMINER: Okay. And for the Respondent.

MR. RAWLINGS: On behalf of Ameritech Ohio, my name is Scott Rawlings, and my office address is 2639 Wooster Road, Rocky River, Ohio.

THE EXAMINER: Okay. Do either one of the counsels for the parties want to make a statement for the record about the procedure they would like to follow here or how would you like to proceed from here?

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1 MR. JOHNSTON: May it please the Court, we have  
2 reached a series of agreed stipulations of fact which we would  
3 like to make a part of the official record of all of the cases.  
4 In addition to that, the parties have agreed to admit the  
5 testimony previously submitted to the PUCO as regards the expert  
6 on behalf of the Complainant, Mr. Steven Longenecker, and as  
7 regards the expert testimony on behalf of the Respondent of  
8 Daniel R. McKenzie. Both parties have agreed there would be no  
9 cross-examination of either of those admitted transcripts of  
10 their testimony.

11 The parties have agreed that following that, absent  
12 any questions the Examiner may have of the parties, we would ask  
13 for the appropriate time to file both an opening and closing  
14 brief and address the legal issues that would then be before the  
15 Board.

16 THE EXAMINER: Okay. Thank you. That being the case,  
17 then maybe we should just begin with the -- I assume each  
18 counsel wants to put on their witnesses long enough to introduce  
19 the exhibit and put on just enough direct to get the exhibit  
20 introduced into the record and move for admission without  
21 objection and it will be so admitted.

22 MR. JOHNSTON: Fine.

23 THE EXAMINER: We can begin with the Complainants  
24 putting on their witness, who can testify from where he is  
25 seated.

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1 MR. JOHNSTON: All right.

2 THE EXAMINER: Maybe he should be sworn in first.

3 (Witness sworn.)

4 THE EXAMINER: Thank you.

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1 STEVEN J. LONGENECKER

2 being first duly sworn, as prescribed by law, was examined and  
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MR. JOHNSTON:

6 Q. Steve, would you give us your full name, please, and your  
7 current business address?

8 A. Steven J. Longenecker, Eastland Telecommunications  
9 Consulting, Inc., 21 Kenbrook Drive, Vandalia, Ohio 45377.

10 Q. Steve, on or about the 29th day of August 1997, a document  
11 was filed with the PUCO as regards expert testimony you were  
12 prepared to offer in this hearing today as regards all six of  
13 the cases. Are you familiar with that document?

14 A. Yes.

15 Q. Are you prepared to go forward on today's date and provide  
16 testimony as set forth in that document?

17 A. Yes.

18 MR. JOHNSTON: We would offer -- it's not -- I'm  
19 sorry, I think the document has not been marked for purposes of  
20 identification. Would the Board prefer to mark it or refer it?

21 THE EXAMINER: Maybe it would be easy to just I'll  
22 mark my copy as Complainant's Exhibit No. 1 just for ease of  
23 reference in the future.

24 MR. JOHNSTON: That's fine.

25 THE EXAMINER: Which is this booklet here, the top of

1 which is marked "Index".

2 - - -

3 Thereupon, Complainant's Exhibit No. 1 was  
4 marked for purposes of identification.

5 - - -

6 MR. JOHNSTON: The Complainant would move for  
7 admission of the Complainant's exhibit marked for purposes of  
8 identification as Complainant's Exhibit No. 1.

9 MR. RAWLINGS: Ameritech Ohio has no objection to the  
10 admission of Complainant's No. 1.

11 THE EXAMINER: I don't have any questions at this time  
12 for the witness. I guess I'm going to reserve the right to call  
13 the Complainant if I have trouble as I begin drafting the order  
14 with any clarifications that I need made or something like that  
15 when I get closer to actually having to use the exhibit to put  
16 together the order, but I don't have questions that I'm  
17 expecting to ask today; so I won't ask any questions at this  
18 time. And I will allow the exhibit to be admitted into evidence  
19 at this time.

20 - - -

21 Thereupon, Complainant's Exhibit No. 1  
22 was received into evidence.

23 - - -

24 MR. JOHNSTON: With that, we would have nothing  
25 further to offer then, other than we do have the stipulations



1 that we want to bring up.

2 THE EXAMINER: Let's have the other exhibit introduced  
3 at this time, then we'll get into the stipulations of fact after  
4 that.

5 MR. JOHNSTON: That would be fine.

6 THE EXAMINER: Mr. Rawlings.

7 MR. RAWLINGS: Thank you. Ameritech Ohio will call  
8 Daniel McKenzie, and we have previously caused Mr. McKenzie's  
9 testimony to be marked as Ameritech Ohio Exhibit 1.

10 - - -

11 Thereupon, Ameritech Ohio Exhibit No. 1 was  
12 marked for purposes of identification.

13 - - -

14 THE EXAMINER: Okay.

15 MR. RAWLINGS: I believe your Honor has a copy of the  
16 testimony and Complainants do as well.

17 THE EXAMINER: Yes, I have a copy here. I'm marking  
18 it. I don't see where it's marked.

19 MR. RAWLINGS: It's labeled on the face sheet as  
20 Ameritech Ohio Exhibit 1.

21 THE EXAMINER: Oh, there it is. Okay.

22 (Witness sworn.)

23 THE EXAMINER: Thank you.

24 - - -

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1 DANIEL R. MCKENZIE

2 being first duly sworn, as prescribed by law, was examined and  
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MR. RAWLINGS:

6 Q. Mr. McKenzie, would you state your name and employment  
7 position, please?

8 A. Daniel R. McKenzie, and I'm Director of Regulatory Affairs  
9 for Ameritech.

10 Q. Briefly, what are your duties in that position?

11 A. My duties in that position cover a number of regulatory  
12 issues including tariff, tariff filings, tariff interpretations.  
13 Also, since I was actively involved in the Ameritech alternative  
14 regulation case, I'm frequently called upon to offer opinions as  
15 to compliance with the commitments made in that case.

16 Q. In connection with the cases pending before the Commission  
17 this morning, did you prepare a document entitled Testimony of  
18 Daniel R. McKenzie, which I, in turn, have marked as Ameritech  
19 Ohio Exhibit 1?

20 A. Yes, I did.

21 Q. Do you have a copy of that before you?

22 A. I do.

23 Q. Do you have any corrections, changes or additions to make  
24 to that testimony?

25 A. I do not.

1 Q. If I were to ask you the same questions today as are  
2 contained in your testimony marked Ameritech Ohio Exhibit 1,  
3 would your answers to those questions be the same as shown in  
4 those documents?

5 A. Yes, my answers would be the same.

6 MR. RAWLINGS: I now move for the admission of  
7 Ameritech Ohio Exhibit 1, your Honor.

8 MR. JOHNSTON: Without objection.

9 THE EXAMINER: Without objection, it will be admitted  
10 at this time. Again, I would reserve the right to call the  
11 company as necessary to help me understand the document as the  
12 time approaches to draft the order in this case, as necessary,  
13 just to understand what's here, but I don't have questions for  
14 the witness at this time and the exhibit will be admitted at  
15 this time.

16 - - -

17 Thereupon, Ameritech Ohio Exhibit No. 1  
18 was received into evidence.

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20 THE EXAMINER: That being the case, both parties would  
21 rest except for the stipulation of facts that we'll move to next  
22 then, and then we'll have a discussion about the schedule for  
23 briefs.

24 MR. RAWLINGS: That's correct.

25 THE EXAMINER: Who wants to present the stipulations?

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1 MR. RAWLINGS: Well, if you want me to start off with  
2 the first series and, Bob, you want to --

3 MR. JOHNSTON: Well, you try the first one and we'll  
4 go back and forth from there.

5 MR. RAWLINGS: That's fine. And if I misspeak, why,  
6 your Honor, I don't think it will take more than 30 seconds to  
7 straighten out the language we've agreed to this morning, but  
8 sometimes my writing, as counsel has correctly pointed out, is  
9 not good.

10 Number 1 would be that Citizens Federal Bank has been  
11 a business customer of Ameritech Ohio at Circuit Account  
12 513-R-51-0052. That would be Stipulation Number 1.

13 THE EXAMINER: Maybe I should recognize each one as we  
14 go.

15 MR. RAWLINGS: You want me to go through the list  
16 here?

17 MR. JOHNSTON: I was going to do them case by case.  
18 You go ahead with this one. If I have a problem with it, I'll  
19 speak up.

20 MR. RAWLINGS: That's fine.

21 THE EXAMINER: All right.

22 MR. RAWLINGS: The second stipulation -- These  
23 stipulations, your Honor, are with regard to Cases 96-37, 96-39  
24 and 96-40.

25 THE EXAMINER: Okay.

1 MR. RAWLINGS: Second stipulation would read that  
2 Ameritech Ohio gave a credit to the Complainant for one year of  
3 charges at \$47.15 per month, and then in parentheses, (Case  
4 No. 96-37-TP-CSS).

5 The third stipulation would read that at the present  
6 time, Ameritech Ohio is not billing any P3N charges to Citizens  
7 Federal, again, in parentheses, (Case Number 96-37-TP-CSS).

8 Stipulation Number 4 in order here, that Complainant  
9 has four P3N interexchange service terminals on the circuit that  
10 goes between Dayton and Middletown and two other exchanges for  
11 which it is charged \$167.20 per month, and then in parentheses  
12 would be the case reference. This case reference is  
13 (96-39-TP-CSS).

14 Stipulation Number 5 in this series reads as follows:  
15 That Dayton and Middletown have been in the same local calling  
16 plus area, (Case Number 96-39-TP-CSS) since July 1994, then  
17 there's another parenthetical case reference. This is Case  
18 Number -- PUCO Case Number 92-1324-TP-PEX.

19 MR. JOHNSTON: Just hold on one second, Scott. Local  
20 calling plus service area.

21 MR. RAWLINGS: Yes.

22 MR. JOHNSTON: You left service out of there. Not  
23 crucial, but....

24 MR. RAWLINGS: I'm sorry.

25 MR. JOHNSTON: It's all right.

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1 MR. RAWLINGS: Service area, yes.

2 MR. JOHNSTON: Okay.

3 MR. RAWLINGS: Should I read it again? Dayton and  
4 Middletown have been in the same local calling plus service  
5 area, (Case Number 96-39-TP-CSS) since July 1994, PUCO Case  
6 Number 92-1324-TP-PEX.

7 The next stipulation is Ameritech charged Complainant  
8 for a 1LV JJ2013 private line station local channel and base  
9 rate digital service (CM6) channel mileage termination on the  
10 same circuit for off-premises extensions.

11 MR. JOHNSTON: No. No. We agreed to put 18 in there.

12 MR. RAWLINGS: Subject to --

13 MR. JOHNSTON: We're going to pick up the number of  
14 extensions.

15 MR. RAWLINGS: With the additional sentence.

16 MR. JOHNSTON: Right.

17 MR. RAWLINGS: That's true. I missed that. Channel  
18 mileage termination on the same circuit for 18 off-premises  
19 extensions, case reference is Case 96-40-TP-CSS. And then I  
20 believe the additional sentence, Bob, correct me if I'm wrong,  
21 is the number of extensions has increased since that time.

22 MR. JOHNSTON: Since the time of the filing of the  
23 Complaint.

24 MR. RAWLINGS: Since the time of the filing of the  
25 Complaint. That's correct.

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1 MR. JOHNSTON: Right.

2 MR. RAWLINGS: And then the -- I think that's clear.  
3 Then the next stipulation is the PBX system for Citizens Federal  
4 as PBX extension stations at separate locations from the main  
5 PBX. And then the final stipulation with relation to these  
6 three cases, 37, 39 and 40, is that the Complainant has been  
7 charged the sum of \$26.50 per month for 18 off-premises  
8 extensions, Case Number 96-40-TP-CSS, and then the same  
9 sentence, I believe, is going to be added, the number of  
10 extensions has increased since the time of the filing of the  
11 Complaint.

12 MR. LONGENECKER: That's not entirely accurate.  
13 That's just the charge for the private line local channels.  
14 That's not the total cost for the circuit. Is that relevant?  
15 We don't want that to appear to be the total cost of the  
16 circuit.

17 MR. RAWLINGS: Well, I thought we agreed on this  
18 stipulation.

19 MR. JOHNSTON: All right.

20 MR. RAWLINGS: We get more expansive in the  
21 stipulations. Is there anything inaccurate with what I just  
22 read?

23 MR. LONGENECKER: It's not the total cost of the  
24 off-premises extension. It's not the total cost of it.

25 MR. RAWLINGS: We were just adding to your

1 stipulation. I don't know how you want to state it.

2 (Discussion held off the record.)

3 MR. JOHNSTON: Okay. We're okay.

4 MR. RAWLINGS: I might add, Bob, again, correct me if  
5 I'm wrong, we agreed, counsel and I, you notice in the  
6 stipulations 18 off-premises extensions are listed for each of  
7 two stipulations, and then there's a reference to an increase in  
8 the number of off-premises extensions. With your Honor's  
9 permission, I think it's accurate to say the parties have agreed  
10 we will get the accurate number today of the OP extensions and  
11 furnish that as a late-filed exhibit in this case by agreement.

12 THE EXAMINER: All right.

13 MR. RAWLINGS: With that, that concludes the  
14 stipulations on 37, 39 and 40, I believe.

15 THE EXAMINER: I have one question on those. As I  
16 heard the first stipulation being read, the short version I  
17 heard was that basically it stated that a refund was provided  
18 and it gave the amount of the refund, and then it gave a case  
19 reference, which was 96-37.

20 MR. RAWLINGS: 37, yes. I'm wondering if the parties  
21 have -- would expand on that just for my edification. Is there  
22 any -- could they stipulate to what the purpose of the refund  
23 was about? I guess it's implied that it's over the facts at  
24 issue in this case. Is that something the parties would  
25 stipulate to or is that --



1 MR. RAWLINGS: I think it's something we haven't  
2 discussed.

3 MR. JOHNSTON: We're willing to stipulate to it.

4 THE EXAMINER: I'm just wondering if I -- if that's  
5 all the, you know, the stipulated facts that I have to refer to,  
6 does the Commission need to make that assumption in order to  
7 reach its conclusion. If so, could we do more than just make  
8 the assumption? Could the parties stipulate that's the reason  
9 for the refund?

10 MR. RAWLINGS: The reason for the refund? I think we  
11 could. We haven't discussed it specifically.

12 THE EXAMINER: Do you want to do that right now?

13 MR. RAWLINGS: Let's go through the rest of them.

14 THE EXAMINER: Okay. That's fine. I think the same  
15 thing may come up again when we start talking about refunds,  
16 which I guess we're going to in some of the other cases. That's  
17 just my guess from reading the pleadings, and it's been a little  
18 while since I read them.

19 MR. RAWLINGS: We will come back to that.

20 MR. JOHNSTON: Springfield City Schools.

21 MR. RAWLINGS: I'm there.

22 MR. JOHNSTON: That on or about -- and this is as  
23 regards Case Number 96-427-TP-CSS. Springfield City Schools are  
24 the Complainant. That on or about July the 10th, 1995, the  
25 Complainant received monetary credits from Ameritech Ohio in the

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1 amount of \$24,117.85 as regards its billing.

2 MR. RAWLINGS: Yeah. That's fine. That's accurate.

3 MR. JOHNSTON: West Carrollton Schools.

4 MR. RAWLINGS: I'm there. That's fine. 96-460.

5 MR. JOHNSTON: 96-460. The Complainant is a business  
6 telephone customer of Ameritech Ohio at customer account number  
7 937-859-5121. Two, that Ameritech Ohio has charged Complainant  
8 the sum of \$95.20 per month for circuit number 51.TCNA.186298.OB  
9 to the Moraine Police Department from the Nicholas Elementary  
10 School. Three, that the circuit to the Moraine Police  
11 Department was discontinued by Ameritech Ohio as of March 12th,  
12 1996.

13 MR. RAWLINGS: And we agree with those.

14 THE EXAMINER: Okay.

15 MR. JOHNSTON: Case Number 96-38-TP-CSS, the  
16 Complainant is Northwestern Local Schools. I may need my extra  
17 notes on this one. Okay.

18 One, that the Complainant is a business telephone  
19 customer of Ameritech at customer account number (937) 964-6108;  
20 and previously was a customer of Ameritech Ohio at area code  
21 (513) 964-1318.

22 MR. RAWLINGS: The only change I have is the telephone  
23 number is 964-6018.

24 MR. JOHNSTON: Did I say 1318?

25 MR. RAWLINGS: 964-6018 is accurate, I believe.

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1 MR. JOHNSTON: Right, 6018 is accurate. Two, that the  
2 Complainant has been a Centrex customer of Ameritech since  
3 March 30, 1990, and changed its Centrex system in January of  
4 1996.

5 Number 3, that at all times stated in the Complaint,  
6 the Northwestern Local Schools were charged eight cents per call  
7 with a cap of 55 calls per month for seven fully restricted  
8 Centrex lines, which are incapable of making outside calls, as  
9 well as all unrestricted Centrex lines.

10 MR. RAWLINGS: The only thing I had in there is 55  
11 calls per line.

12 MR. JOHNSTON: Per line. That's correct.

13 Number 4, that at all times stated in the Complaint,  
14 Ameritech Ohio --

15 MR. RAWLINGS: I had an end user common line charge  
16 was applied to both restricted and unrestricted Centrex lines,  
17 again, in an amount that varied between \$4.03 and \$5.66 per  
18 line. That's what I wrote down, Bob.

19 MR. JOHNSTON: And the only comment that we left open  
20 on that was even as regards Stipulation Number 4, the fact that  
21 the school had seven restricted lines as stated in Stipulation  
22 Number 3 was applicable as to Stipulation Number 4.

23 MR. RAWLINGS: That's true.

24 MR. JOHNSTON: Okay. And that's it.

25 THE EXAMINER: Okay. You want to go off the record

1 for a minute?

2 MR. RAWLINGS: Let's go off the record and we'll  
3 discuss the other matter and go back to it.

4 THE EXAMINER: Okay.

5 (Discussion held off the record.)

6 THE EXAMINER: We will go back on the record long  
7 enough to indicate that during a discussion off the record, I  
8 found out that the stipulations as already presented will just  
9 remain the way that they've been stated, and we won't add any  
10 further stipulation based on the questions that I had raised.

11 And we've also discussed the matter of schedules for  
12 the submission of briefs. And by arrangement between the  
13 parties, agreed to by the Examiner, there will be initial briefs  
14 due simultaneously from both parties due on October the 13th,  
15 which is a Monday, and simultaneous filings of reply briefs by  
16 November the 3rd in this case. And --

17 MR. JOHNSTON: Does the --

18 THE EXAMINER: Go ahead.

19 MR. JOHNSTON: Does the Examiner have a timetable  
20 beyond our filing of the brief after November 3rd that you would  
21 work off of or in general terms?

22 THE EXAMINER: My goal would be, I would think, to try  
23 to get the order. I mean, this is an old case -- these are old  
24 cases; so I will do what I can to get it out as soon as  
25 possible, but my guess is it may take as long as two-and-a-half

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1 months from the date of the briefs to get the order onto the  
2 Commission agenda. That would be my goal.

3 MR. JOHNSTON: Okay.

4 THE EXAMINER: So with those dates established for the  
5 filing of briefs and the goal of submitting the order for the  
6 Commission by that date, this matter would stand adjourned.

7 MR. RAWLINGS: Thank you very much.

8 MR. JOHNSTON: Thank you.

9 - - -

10 (Thereupon, the hearing was concluded at  
11 11:35 o'clock a.m. on Monday, September 8, 1997.)

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C E R T I F I C A T E

- - -

State of Ohio,                    )  
County of Franklin,               ) SS:

- - -

I, Candace M. Hammond, Registered Professional  
Reporter and Notary Public in and for the State of  
Ohio, hereby certify that the foregoing is a true and  
correct transcript of the proceedings hereinbefore set  
forth, as reported in stenotype by me and transcribed  
by me or under my supervision.

Candace M. Hammond,  
Registered Professional  
Reporter and Notary Public  
in and for the State of Ohio.

My Commission Expires:  
September 26, 2001.

\*\*\* CAUTION \*\*\*

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# ***EXHIBITS***

CASE NUMBER

THE FOLLOWING EXHIBIT(S) WERE PREFILED AND CAN BE LOCATED WITH THE PLEADINGS:

EXHIBIT

Ameritech Ohio Exhibit No. 1 - \_\_\_\_\_  
Direct testimony of Daniel R.  
McKenzie \_\_\_\_\_

DATE FILED

Aug 29, 1997

Complainant's Exhibit No. 1 -  
Direct testimony of Steven J.  
Longenecker

Aug 29, 1997