BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Numerous Applications of Ameritech Ohio for Approval of a Contract or Other Arrangement Between Ameritech Ohio and Various of its Customers:	)	
Ameritech\Southdown Inc.	)	Case No. 96-389-TP-AEC
Ameritech\NewPar dba Cellular One	)	Case No. 96-390-TP-AEC
Ameritech\Kelly Services	)	Case No. 96-403-TP-AEC
Ameritech\Corrigan Moving	)	Case No. 96-442-TP-AEC
Ameritech\Corrigan Moving	)	Case No. 96-443-TP-AEC
Ameritech\D.O.C. Optical	)	Case No. 96-444-TP-AEC
Ameritech\Reynolds & Reynolds	)	Case No. 96-445-TP-AEC
Ameritech\LCI International	)	Case No. 96-446-TP-AEC
Ameritech\Libby-Owens-Ford Co.	)	Case No. 96-465-TP-AEC
Ameritech\Key Services Corp.	)	Case No. 96-555-TP-AEC
Ameritech\Mortgage Placement	)	Case No. 96-580-TP-AEC
Ameritech\Sears, Roebuck & Co.	)	Case No. 96-629-TP-AEC
Ameritech\Croghan Colonial Bank	)	Case No. 96-640-TP-AEC
Ameritech\Citizens Banking Co.	)	Case No. 96-653-TP-AEC
Ameritech\OCLC Online Computer Library	)	Case No. 96-661-TP-AEC
Ameritech\Chase Manhattan Mortgage	)	Case No. 96-704-TP-AEC
Ameritech\OfficeMax, Inc.	)	Case No. 96-705-TP-AEC
Ameritech\Sun TV	)	Case No. 96-738-TP-AEC
Ameritech\Dean Witter	)	Case No. 96-754-TP-AEC
Ameritech\Akron General Medical Center	)	Case No. 96-755-TP-AEC
Ameritech\Huntington National Bank	)	Case No. 96-778-TP-AEC
Ameritech\Mt. Carmel Health Systems	)	Case No. 96-826-TP-AEC
Ameritech\CompuServe, Inc.	)	Case No. 96-827-TP-AEC
Ameritech\Heritage Mutual Insurance Co.	)	Case No. 96-833-TP-AEC
Ameritech\Meridia Health Systems	)	Case No. 96-839-TP-AEC
Ameritech\North Canton Medical Clinic	)	Case No. 96-874-TP-AEC
Ameritech\TheOnRamp	)	Case No. 96-911-TP-AEC
Ameritech\Ohio Savings Bank	)	Case No. 96-915-TP-AEC
Ameritech\Stow-Glenn, Inc.	)	Case No. 96-939-TP-AEC
Ameritech\American Airlines	)	Case No. 96-954-TP-AEC
Ameritech\Revco D. S., Inc.	)	Case No. 96-955-TP-AEC
Ameritech\Salem Community Hospital	)	Case No. 96-956-TP-AEC
Ameritech\Altman Hospital	)	Case No. 96-994-TP-AEC
Ameritech\Sun TV	)	Case No. 96-995-TP-AEC
Ameritech\Cowen & Company	)	Case No. 96-1017-TP-AEC
Ameritech\Netwalk	)	Case No. 96-1039-TP-AEC
Ameritech\Gordon Food Service	)	Case No. 96-1042-TP-AEC

Ameritech\Bethesda Good Samaritan	)	Case No. 96-1043-TP-AEC
Ameritech\Motor Parts Federal Credit Union	)	Case No. 96-1044-TP-AEC
Ameritech\Village Green Co.	)	Case No. 96-1045-TP-AEC
Ameritech\Third Federal Savings and Loan	)	Case No. 96-1078-TP-AEC
Ameritech\Dayton Walther Corporation	)	Case No. 96-1092-TP-AEC
Ameritech\Laurelwood	)	Case No. 96-1101-TP-AEC
Ameritech\Sherwin Williams	)	Case No. 96-1109-TP-AEC
Ameritech\First American Title Insurance	)	Case No. 96-1110-TP-AEC
Ameritech\Mt. Carmel Health System	)	Case No. 96-1111-TP-AEC
Ameritech\Charter One Bank	)	Case No. 96-1112-TP-AEC
Ameritech\Metropolitan Savings Bank of Cleveland	)	Case No. 96-1141-TP-AEC
Ameritech\Cardinal Health, Inc.	)	Case No. 96-1155-TP-AEC
Ameritech\First National Bank	)	Case No. 96-1172-TP-AEC
Ameritech\Ursuline College	)	Case No. 96-1188-TP-AEC
Ameritech\The American Red Cross	)	Case No. 96-1210-TP-AEC
Ameritech\Limited Distribution Services, Inc.	)	Case No. 96-1251-TP-AEC
Ameritech\Office Depot Inc.	)	Case No. 96-1252-TP-AEC
Ameritech\Boston Market	)	Case No. 96-1274-TP-AEC
Ameritech\Alro Steel	)	Case No. 96-1293-TP-AEC
Ameritech\Citizens Banking Co.	)	Case No. 96-1296-TP-AEC
Ameritech\Cutler/Marting Realty	)	Case No. 96-1297-TP-AEC
Ameritech\Rapid Design Service	)	Case No. 96-1346-TP-AEC
Ameritech\Citizens Federal	)	Case No. 96-1347-TP-AEC
Ameritech\Federal Savings Bank	)	Case No. 96-1348-TP-AEC
Ameritech\Longaberger	)	Case No. 96-1368-TP-AEC
Ameritech\Airtouch Cellular	)	Case No. 96-1369-TP-AEC
Ameritech\Seaman Patrick Paper Company	)	Case No. 96-1388-TP-AEC
Ameritech\KinderCare Learning Center	)	Case No. 96-1389-TP-AEC
Ameritech\Venture Industries	)	Case No. 96-1390-TP-AEC
Ameritech\CompuServe Incorporated	)	Case No. 96-1408-TP-AEC
Ameritech\H.Q. Business	)	Case No. 96-1415-TP-AEC
Ameritech\BASF Corp.	)	Case No. 96-1416-TP-AEC
Ameritech\Electronic Data Systems Corp.	)	Case No. 97-21-TP-AEC
Ameritech\Big Bear Stores	)	Case No. 97-22-TP-AEC
Ameritech\Progressive Insurance Agency Inc.	)	Case No. 97-23-TP-AEC
Ameritech\City of Green	)	Case No. 97-24-TP-AEC
Ameritech\Southwest General Hospital	)	Case No. 97-29-TP-AEC
Ameritech\United Airlines	)	Case No. 97-55-TP-AEC
Ameritech\Grant/Riverside Methodist Hospitals	)	Case No. 97-90-TP-AEC
Ameritech\Timken Company	)	Case No. 97-91-TP-AEC
Ameritech\Lear Corporation	)	Case No. 97-98-TP-AEC
Ameritech\Lexis-Nexis	)	Case No. 97-133-TP-AEC
Ameritech\Servall Co.	)	Case No. 97-147-TP-AEC
Ameritech\Star Banc Services	)	Case No. 97-150-TP-AEC
Ameritech\Charter One Bank	)	Case No. 97-164-TP-AEC
Ameritech\Young's Environmental Cleanup Inc.	)	Case No. 97-191-TP-AEC

Ameritech\Aerotek	)	Case No. 97-192-TP-AEC
Ameritech\LTV Steel	)	Case No. 97-193-TP-AEC
Ameritech\CBC Companies (Columbus)	)	Case No. 97-271-TP-AEC
Ameritech\CBC Companies (N.W. Professional Plaza)	)	Case No. 97-272-TP-AEC
Ameritech\Key Services Corporation	)	Case No. 97-276-TP-AEC
Ameritech\Wickes Lumber	)	Case No. 97-277-TP-AEC
Ameritech\Wayne Industries	)	Case No. 97-309-TP-AEC
Ameritech\Applied Industrial	)	Case No. 97-319-TP-AEC
Ameritech\Timkin Company	)	Case No. 97-367-TP-AEC
Ameritech\Texlon Corp.	)	Case No. 97-372-TP-AEC
Ameritech\Grant Medical Center	)	Case No. 97-395-TP-AEC
Ameritech\Ohio Edison Company	)	Case No. 97-396-TP-AEC
Ameritech\Columbia Gas System Service Corp.	)	Case No. 97-400-TP-AEC
Ameritech\Avery International	)	Case No. 97-401-TP-AEC
Ameritech\Cassens Transport	)	Case No. 97-409-TP-AEC
Ameritech\Plain Dealer Publishing Co.	)	Case No. 97-444-TP-AEC
Ameritech\Grant/Riverside Methodist Hospitals	)	Case No. 97-464-TP-AEC
Ameritech\360 Communications	)	Case No. 97-465-TP-AEC
Ameritech\Summa Health Systems	)	Case No. 97-525-TP-AEC
Ameritech\Kinko's	)	Case No. 97-526-TP-AEC
Ameritech\National City Corp.	)	Case No. 97-530-TP-AEC
Ameritech\Sears, Roebuck & Co.	)	Case No. 97-557-TP-AEC
Ameritech\Banc One Services	)	Case No. 97-558-TP-AEC
Ameritech\General Electric Company	)	Case No. 97-559-TP-AEC
Ameritech\Toledo Hospital	)	Case No. 97-560-TP-AEC
Ameritech\Owens Corning	)	Case No. 97-561-TP-AEC
Ameritech\Exide Corporation	)	Case No. 97-565-TP-AEC
Ameritech\Exotic Rubber	)	Case No. 97-574-TP-AEC
Ameritech\Hills Department Store Company	)	Case No. 97-598-TP-AEC
Ameritech\Columbia Gas System	)	Case No. 97-599-TP-AEC
Ameritech\Siding World	)	Case No. 97-600-TP-AEC
Ameritech\CSM Industries	)	Case No. 97-610-TP-AEC
Ameritech\Cardinal Health	)	Case No. 97-620-TP-AEC
Ameritech\Forest City Auto Parts	)	Case No. 97-621-TP-AEC
Ameritech\Star Banc Services	)	Case No. 97-635-TP-AEC
Ameritech\Iwaynet Communication	)	Case No. 97-722-TP-AEC
Ameritech\Sterling Software	)	Case No. 97-758-TP-AEC
Ameritech\Parker Hannifin Corp.	)	Case No. 97-759-TP-AEC
Ameritech\Crawford Fitting	)	Case No. 97-768-TP-AEC
Ameritech\National City Corp.	)	Case No. 97-819-TP-AEC
Ameritech\Suarez Corp.	)	Case No. 97-874-TP-AEC
Ameritech\CBC Companies	)	Case No. 97-910-TP-AEC
Ameritech\OCLC	)	Case No. 97-911-TP-AEC
Ameritech\Hewlett Packard	)	Case No. 97-932-TP-AEC
Ameritech\Distribution Fulfill	)	Case No. 97-1060-TP-AEC

Ameritech\Chemical Abstracts	)	Case No. 97-1061-TP-AEC
Ameritech\Sherwin-Williams	)	Case No. 97-1062-TP-AEC
Ameritech\Sherwin-Williams	)	Case No. 97-1063-TP-AEC
Ameritech\Frank Z. Chevrolet	)	Case No. 97-1454-TP-AEC
Ameritech\Huntington Nat'l Bnk	)	Case No. 97-1492-TP-AEC
Ameritech\DLZ Corp.	)	Case No. 97-1662-TP-AEC
Ameritech\Bright.Net Brt.	)	Case No. 97-1663-TP-AEC
Ameritech\Erb Lumber	)	Case No. 97-1664-TP-AEC
Ameritech\American General Finance	)	Case No. 97-1665-TP-AEC
Ameritech\Lear Corporation	)	Case No. 97-1666-TP-AEC
Ameritech\MCA Mortgage Corp.	)	Case No. 97-1667-TP-AEC
Ameritech\Cowen and Company	)	Case No. 97-1685-TP-AEC
Ameritech\White Family Companies	)	Case No. 97-1686-TP-AEC
Ameritech\Economic Opportunity	)	Case No. 97-1687-TP-AEC
Ameritech\Caliber Technologies	)	Case No. 97-1688-TP-AEC
Ameritech\Aurora Foods	)	Case No. 97-1691-TP-AEC
Ameritech\Realty One	)	Case No. 97-1692-TP-AEC
Ameritech\Ohio Edison	)	Case No. 97-1699-TP-AEC
Ameritech\Reynolds & Reynolds	)	Case No. 97-1713-TP-AEC

ENTRY ON REHEARING

The Commission finds:

(1) In an entry issued on February 12, 1998, the Commission denied Ameritech Ohio's (Ameritech) motions seeking protective treatment of certain information submitted to the Commission in contracts between Ameritech and its customers in the cases listed in the caption of this entry. A review of the motions for protective treatment filed in these cases reveals that Ameritech was seeking to protect information regarding prices, quantities, length of contracts, customer locations, and billed telephone numbers from public disclosure. In denying Ameritech's motions seeking protective treatment of the aforementioned terms and conditions, the Commission noted that it was important to evaluate the level of competition in the relevant market, whether the involved carrier is under an obligation to resell its contracts to competing carriers, and whether the information qualified as a trade secret eligible for protection under Ohio law.

(2) Section 4903.10, Revised Code, states that any party who has entered an appearance in a proceeding may apply for rehearing with respect to any matters determined in said proceeding by filing an application within 30 days after the entry is recorded in the Commission's journal.

(3) On March 16, 1998, Ameritech timely filed an application for rehearing of the Commission's February 12, 1998 entry in these matters. Ameritech's assignments of error are grounded in the proposition that the information Ameritech seeks to redact from these contracts qualifies as trade secrets protected from disclosure under both state and federal law. Ameritech requests that the Commission grant rehearing and enter the protective orders sought by Ameritech. Notwithstanding its assertions that the Commission's entry is both unreasonable and unlawful, Ameritech proposes an alternative for future cases that will further the Commission's expressed interests while continuing to protect customer-identifying, alleged trade secret information. Ameritech claims that by redacting only such information as the customer name, address, and telephone numbers, potential resellers would have access to the rates, terms, and conditions of each filed contract, but the identity of the particular customer would be protected.

(4) On March 26, 1998, Time Warner Communications of Ohio, L.P. and NEXTLINK Ohio, L.L.C. (joint movants) filed a joint memorandum contra urging the Commission to deny Ameritech's application for rehearing. The joint movants further argue that, should the Commission be inclined to modify its February 12, 1998 entry to permit Ameritech to redact and protect the customer's name, location, price and/or term, the Commission should afford new entrant carriers (NECs), such as themselves, with at least the same treatment.

(5) After reviewing the arguments raised by various parties in these and other similar cases, the Commission finds merit in Ameritech's alternative proposal, subject to the clarifications expressed below. The Commission anticipates that the number of contracts between incumbent local exchange carriers (ILECs) and their customers, or NECs and their customers, to be filed for approval in the future will increase significantly. As evidenced by this entry, the level of contract activity is already substantial. The Commission generally approves of such activity because it is evidence of increased competitive activity which is beneficial to the businesses located in this state. However, the Commission does not believe that it is appropriate for the Commission, the ILECs, the NECs, or the customers with whom the telephone companies enter into contracts to continue to devote time and paper to resolving issues related to trade secrets and confidential treatment

when a new policy would satisfy the various interests involved.

Another factor to be considered is, as noted in our February 12, 1998, entry in these cases, that Ameritech has resale obligations mandated by the Telecommunications Act of 1996. Having made the determinations that the resale obligations of the 1996 Act require disclosure, we are not unmindful that some customers of the telephone companies may not want to have certain information related to their businesses, which is included in the contracts, disclosed.

(6) In view of these concerns, we believe it is appropriate to adopt, on a going forward basis, the following policy. First, we reiterate that all ILECs and NECs must file all customer contracts with the Commission for approval pursuant to Section 4905.31, Revised Code. When filing a contract for approval, the ILECs and NECs may redact information that identifies the customer's name, the names of any employees of the customer, and the customer's business address, service location, and telephone number. If it is necessary to redact any other information to prevent disclosure of the customer and/or the service location, the telephone company must identify in its application what additional information has been redacted and explain how the redaction of the additional information is consistent with the Commission's policy.

All customer contracts must disclose all terms and conditions and must be all inclusive. In other words, the contract must not reference some agreement or attachment which is not filed for Commission approval under Section 4905.31, Revised Code. Also, the case caption for a contract filed under this procedure must clearly identify the service or services to be provided by the contract. For example, if the contract were for Ameritech Centrex Service, the case caption on the contract filed with our Docketing Division must clearly disclose that the contract is for Centrex Service so that an entity desiring to resell a given service to its customers could track particular types of contracts. It will be the local exchange carrier's responsibility to keep an accurate record that matches a customer's name with a particular case number issued by our Docketing Division. This information could be vital if the Commission or its staff needed to review these contracts at a later date for any purpose. Nothing prevents the Commission or its staff from obtaining an unredacted copy of any contract from a telephone company at any time. Finally, the

language of the contract may not foreclose the customer from disclosing the terms and conditions of the contract to another entity.

(7) In the event an ILEC or NEC chooses to take advantage of this procedure, it will not be necessary to file an unredacted copy of the contract with our Docketing Division nor will it be necessary to file a motion for protective order under Rule 4901-1-24, O.A.C. As mentioned above, staff can, and will, request whatever information is required for its review, including a copy of an unredacted contract. Should a telephone company wish to protect any term or condition of a contract that is not related to the identity of the customer, it will be the telephone company's responsibility to follow the procedures set forth in Rule 4901-1-24, O.A.C.

(8) Although the Commission has found it appropriate to adopt a new procedure for the filing of contracts for local exchange services, the Commission must still determine the appropriate course of action for the numerous contracts in the cases that are the subject of this entry. Because of the unusual circumstances of the development of the new policy, the pendency of many cases affected by the policy, and the lack of notice to the telephone companies that the Commission was considering a new policy, the Commission finds that rehearing should be granted for the purpose of allowing Ameritech to take advantage of the new policy, if it so desires. However, should Ameritech decide not to take advantage of the new policy, the Commission is reserving the right to withdraw its approval of the request for protective treatment of the information filed under seal in these cases.

(9) To take advantage of the new policy, Ameritech shall be required to do the following. Ameritech shall inform the Commission's staff by June 5, 1998, whether it intends to take advantage of the new policy for any or all of the contracts that are the subject of this entry. If Ameritech elects to take advantage of the policy, the staff will cause a new case to be opened and notify Ameritech of the case number. By June 15, 1998, Ameritech shall file in that new case a single copy of each contract that it wishes to refile under the new policy. The contracts shall have the customer-identifying information, as identified above, redacted. To facilitate comparison by the staff of the contracts filed in the new case with the contracts filed in the cases that are the subject of this entry, Ameritech shall number each of the contracts filed in the

new case and provide staff with a matrix that will enable staff to identify the contracts filed in the new case with the contracts filed in the cases that are the subject of this entry.

(10) As noted in the Commission's February 12, 1998, entry in these cases, the contracts filed in the following cases are, pursuant to Ameritech's alternative regulation plan, considered to be in effect but have been suspended from the automatic approval process for various reasons: Case Nos. 97-367-TP-AEC, 97-372-TP-AEC, 97-557-TP-AEC, 97-558-TP-AEC, 97-599-TP-AEC, 97-621-TP-AEC, 97-635-TP-AEC. The Commission's consideration of the appropriateness of these contracts will be addressed in subsequent Commission entries. With regard to the remaining contracts, which have already been approved, once they are filed in the new case by Ameritech, no additional action will be required in the case provided that Ameritech complies with the policy requirements.

(11) Ameritech has other similar contract cases pending before the Commission which are not the subject of this entry. The Commission will address the status of those cases in a subsequent entry.

(12) Ameritech and all other ILECs and NECs may immediately begin to file contracts for approval using the new policy.

(13) Assuming that Ameritech will find the new policy to be acceptable, the Commission will grant rehearing and will approve, until December 31, 2002, Ameritech's request for protective treatment of the information filed under seal in these proceedings. The Commission's approval is conditioned upon Ameritech notifying the Commission staff by June 5, 1998, that it intends to take advantage of the new policy. The Commission's Docketing Division shall release the protected information into the public record on December 31, 2002. The Commission reserves the right to withdraw its approval of Ameritech's request for protective treatment if Ameritech does not notify staff by June 5, 1998, of its intent to take advantage of the new policy, if Ameritech does not properly file copies of the contracts in the new case by June 15, 1998, and does not otherwise comply with the instructions and conditions set forth above.

It is, therefore,

ORDERED, That Ameritech's application for rehearing is granted, consistent with the conditions expressed in finding 14. It is, further,

ORDERED, That the Commission's Docketing Division continue to treat the information filed under seal in these dockets as protected material until December 31, 2002, unless otherwise ordered by the Commission. It is, further,

ORDERED, That copies of this entry on rehearing be served upon Ameritech, all other incumbent local exchange carriers, all new entrant carriers, the Ohio Telecommunications Industry Association, and all other persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Craig A. Glazer, Chairman

Jolynn Barry Butler

Ronda Hartman Fergus

Judith A. Jones

Donald L. Mason

JRJ;geb

Entered in the Journal
APR 30 1998
A True Copy
Gary E. Vigorita
Secretary

SERVICE NOTICE

CASE NUMBER 96-403-TP-AEC

CASE DESCRIPTION AMERITECH OHIO / KELLY SERVICES

DOCUMENT SIGNED ON ~~May 1, 1998.~~ 4-30-98

DATE OF SERVICE 4/30/98

PERSONS SERVED

PARTIES OF RECORD	ATTORNEYS
APPLICANT	
AMERITECH OHIO JON F. KELLY 150 E. GAY STREET ROOM 4-C COLUMBUS, OH 43215	JUDITH E. MATZ MANAGER, REGULATORY/DOCKET MGMT AMERITECH OHIO 150 E. GAY STREET COLUMBUS, OH 43215 JON F. KELLY LEGAL DEPARTMENT AMERITECH OHIO 150 E. GAY STREET, ROOM 4-C COLUMBUS, OH 43215 JAMES F. LANG CALFEE, HALTER & GRISWOLD LLP 1400 MCDONALD INVESTMENT CENTER 800 SUPERIOR AVENUE CLEVELAND, OH 44114-2688
APPLICANT	
KELLY SERVICES JOE KOKOSZKA 999 W. BIG BEAVER TROY, MI 48084	NONE
INTERVENOR	
AT&T COMMUNICATIONS OF OHIO, INC. 65 EAST STATE STREET SUITE 1500 COLUMBUS, OH 43215	BENITA A. KAHN VORYS, SATER, SEYMOUR AND PEASE 52 E. GAY STREET P.O. BOX 1008 COLUMBUS, OH 43216

INTERVENOR

NEXTLINK OHIO, L.L.C.
DENISE CLAYTON, DIR. OF REG. POLICY
TWO EASTON OVAL, SUITE 300
COLUMBUS, OH 43219

NONE

INTERVENOR

TIME WARNER AXS
MARSHA SHERMER
1266 DUBLIN RD., P.O. BOX 2553
COLUMBUS, OH 43216

DENISE C. CLAYTON
NEXTLINK OHIO
10 WEST BROAD ST.
SUITE 300
COLUMBUS, OH 43215

INTERVENOR

TIME WARNER COMMUNICATIONS OF OHIO
MARSHA SCHERMER, VICE PRESIDENT
65 EAST STATE STREET SUITE 1800
COLUMBUS, OH 43215

NONE