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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission) PUCO
Investigation Into the Treatment of Reciprocal) Case No. 99-941-TP-ARB
Compensation for Internet Service Provider)
Traffic.)

AMERITECH OHIO'S MOTION TO INTERVENE

Ameritech Ohio respectfully requests to intervene in this proceeding pursuant to Ohio Revised Code § 4903.221 and Ohio Administrative Code § 4901-1-11 and consistent with the Commission's Entry docketed on January 13, 2000. Ameritech Ohio is entitled to intervene as of right because it has real and substantial interests in this proceeding, it is so situated that the disposition of the proceeding may, as a practical matter, impair or impede its ability to protect its interests and its interests are not adequately represented by existing parties. Alternatively, permissive intervention is appropriate because Ameritech Ohio has a substantial interest in the proceeding, its intervention will not unduly prolong or delay these proceedings and its participation will significantly contribute to full development and equitable resolution of the factual issues. Accordingly, Ameritech Ohio requests it be allowed to intervene and participate fully in this proceeding. A Memorandum in Support of this Motion is attached hereto.

Respectfully submitted,

AMERITECH OHIO

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

Ameritech Ohio respectfully requests that it be allowed to intervene in this Commission investigation of inter-carrier compensation for delivery of traffic to Internet Service Providers ("ISPs"). As an Incumbent Local Exchange Carrier ("ILEC"), Ameritech Ohio has been actively engaged in interconnection agreement negotiations with Competitive Local Exchange Carriers ("CLECs"), involving issues including whether compensation is appropriate for delivery of ISP traffic. As discussed more fully below, Ameritech Ohio is entitled to participate in this proceeding as of right, or, alternatively, permissibly, because it has a substantial interest in the proceedings, disposition of the proceedings could impair or impede its ability to protect that interest and its interests are not adequately represented by the existing parties. Additionally, Ameritech Ohio's participation will contribute to a just and expeditious resolution of the issues and intervention at this stage will not cause undue delay or prejudice to the present parties in this proceeding.

II. BACKGROUND

Ameritech Ohio first appeared in this proceeding on September 15, 1999, by filing comments responsive to the Petitioners' request that this Commission open a

generic "investigation" into "non-local interstate" Internet-bound traffic for the purpose of imposing inter-carrier compensation obligations on it. Ameritech Ohio in its comments highlighted the serious jurisdictional issues raised by the Petitioners' request. However, given the Commission's Entry of January 13, 2000, and consistent with the Commission's invitation to interested stakeholders to intervene (see Entry, ¶ 10), Ameritech Ohio now seeks to intervene in this matter.¹

III. ARGUMENT

A. Ameritech Ohio Is Entitled To Intervene In This Arbitration As A Matter Of Right.

Ohio Administrative Code § 4901-1-11 allows a party to intervene as a matter of right if it has a real and substantial interest in the proceeding, it is so situated that the disposition of the proceeding may, as a practical matter, impair or impede its ability to protect its interests and where its interests are not adequately represented by existing parties. Ameritech Ohio meets all of these requirements and therefore is entitled to intervene in this arbitration as a matter of right.

The Commission has stated that this docket will proceed as a "generic arbitration.... to adopt a Commission policy applicable when LECs cannot agree on inter-carrier compensation for dial-up ISP traffic." (See Entry, January 13, 2000, ¶ 8). Ameritech Ohio is a party to a multitude of interconnection agreements with CLECs, many of which have or soon will expire. Compensation for ISP traffic is an ongoing

¹ Although Ameritech Ohio seeks to intervene in this proceeding to advocate its position, Ameritech Ohio still contends the Commission lacks the authority to award any form of inter-carrier compensation for delivery of non-local, interstate traffic. Ameritech Ohio also contends that the Commission has no jurisdiction to convene a generic arbitration to address this subject.

issue in Ameritech Ohio's negotiations for new interconnection agreements.

Consequently, Ameritech Ohio has a real and substantial interest in the Commission's resolution of this issue.

Additionally, disposition of this issue without Ameritech Ohio's participation would impair or impede Ameritech Ohio's ability to protect its interests, which are not adequately represented by any other party at this proceeding. Ameritech Ohio is unaware of any ILEC in Ohio with as many interconnection arrangements as Ameritech Ohio. Ameritech Ohio's business strategy, policies procedures and costs are unique to Ameritech Ohio and thus, Ameritech Ohio must participate to represent its own interests and advocate its own perspective. Accordingly, Ameritech Ohio is entitled to intervene as a matter of right.

B. Alternatively, The Commission Should Allow Ameritech Ohio To Intervene In This Proceeding.

Although Ameritech Ohio is allowed to participate as of right, the Ohio Administrative Code also allows Ameritech Ohio's permissive intervention. Pursuant to O.A.C. § 4901-1-11(B), permissive intervention is appropriate depending on the nature of the party's interests, the extent to which the interest is represented by existing parties, the party's potential contribution to a just and expeditious resolution of the issues involved and whether the requested intervention would unduly delay the proceeding or unjust prejudice any existing parties. Similar to the grounds for intervention as of right, Ameritech Ohio meets these requirements and for these additional reasons should be allowed to intervene.

As explained above, Ameritech Ohio routinely faces CLEC requests for compensation for ISP traffic. Accordingly, Ameritech Ohio is extremely interested in the Commission's treatment of this compensation issue. Again, due to Ameritech Ohio's numerous interconnection agreements with other carriers and unique experience, the other parties in this arbitration are not in a position to adequately represent Ameritech Ohio's interests. Finally, consistent with the Commission's invitation for interested stakeholders to participate in this proceeding, Ameritech Ohio submits its contribution will lead to an expeditious resolution of the matter without undue delay or unjust prejudice.

IV. CONCLUSION

For all the aforementioned reasons, Ameritech Ohio requests that it be allowed to intervene in this proceeding as a matter of right and, alternatively, that the Commission exercise its discretion to grant Ameritech Ohio's request for intervention.

Respectfully submitted,

AMERITECH OHIO

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion of Ameritech Ohio was served, via First-Class U.S. Mail, postage prepaid, this 19th day of January, 2000, to the following:

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