

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Amendment of Rules)
4901-1-01 through 4901-1-05 of the Ohio) Case No. 07-535-AU-ORD
Administrative Code to Permit the Electronic)
Filing of Documents.)

REPLY COMMENTS OF THE AT&T ENTITIES

Introduction

The AT&T Entities submit these reply comments in response to the initial comments filed in this case on May 31, 2007.¹ The commenting parties support the goal of expanding and improving the electronic filing process, but some of their suggestions would not be consistent with that goal.

Source Documents

AT&T opposes a requirement to include source files with every E-filing, which would not improve the e-filing process but would burden it with a uniform requirement that will require extra steps on the part of users and will unnecessarily clog the system with extraneous files. As AT&T pointed out in its initial comments, no source document is called for in the current E-filing process and no source document is provided when a filing is made using the traditional "hard copy" process. AT&T, p. 2. Columbia Gas, the only clear proponent of such a requirement, supports the Staff recommendation. Columbia, p. 1. But Columbia does not dispute that source documents are available from opposing parties as a common courtesy. Because there is only an occasional need for source documents in their native format, the

¹ The AT&T Entities are The Ohio Bell Telephone Company ("AT&T Ohio"), AT&T Communications of Ohio, Inc., TCG Ohio Inc., and SBC Long Distance, LLC d/b/a AT&T Long Distance, which are referred to herein as "AT&T."

infrequency of that need does not justify the burdens on all E-filers and the Commission's resources that would result if a source document were required to accompany every E-filing.

OCC offers its suggestions for the appropriate file formats for source documents, but does not clearly advocate a requirement that they be provided in all cases. OCC, p. 12. Such a requirement should not be adopted.

The OTA objects to providing source documents and cites several reasons why such a requirement should not be imposed. OTA, pp. 1-2. AT&T supports the OTA comments in this regard. AT&T, pp. 2-3. AT&T suggests that the exchange of source documents is a matter best left to the parties to a case to address among themselves. There is no indication that there is a problem in this regard. The proposal to require source documents, then, is essentially a solution in search of a problem.

AT&T offered several reasons why source documents should not be required. AT&T, pp. 2-3. It pointed out that it often does not receive the source documents that form the basis for a multi-state filing, such as the filing of interconnection agreements. Apart from the convenience factor, the proponents offer no sound reason why source documents should be required with every E-filing. For these reasons, AT&T urges the Commission to refrain from adopting the unnecessary requirement to include the source documents with every E-filing.

Comments on Specific Rules

Proposed Rule 4901-1-02

OCC objects to the proposal that an E-filer does not have to serve parties who are not electronically subscribed to the case until the E-filer receives notice that the document was accepted for filing. OCC, p. 3. AT&T agrees with OCC that the requirement to serve copies of filings on parties should not be dependent on the receipt of the E-filing notice. The receipt of the E-filing notice, of course, provides the assurance that electronic service via E-filing has been accomplished, but the obligation to otherwise serve parties still exists.

OCC supports a filing deadline of 11:59 p.m. rather 5:30 p.m. OCC, p. 4. AT&T supports a 5:30 p.m. deadline, which mirrors that of all other filings. This deadline is appropriate given the Staff work currently required to post filings in the system. Under the current system, the late filing hour proposed by OCC would guarantee that late filings are not posted until the next business day, which is clearly an unfair and unreasonable burden upon other parties as it may reduce the time available for appropriate responses.

OCC proposes an extensive procedure for would-be E-filers to follow if the Commission's system is unable to accept filings. OCC, pp. 6-7. It would appear that the rules could easily accommodate this problem by stating that if the system is down (a fact of which both the Commission and those attempting to E-file will apparently be aware), one day can be added to any Commission-imposed filing deadline. If this approach was adopted, OCC's proposal to require an E-filer to attempt to file and submit an affidavit to that effect would not need to be addressed.

Proposed Rules 4901-1-03 and 4901-1-05

In connection with proposed Rule 3, OCC suggests that listing a fax number or an e-mail address should not constitute consent to service by those means. OCC, p. 9. Addressing proposed Rule 5, OTA suggests a modification to the proposed rule and to the Commission's system to allow attorneys and parties to consent to electronic service at the time they subscribe to e-filing in a particular case. OTA, p. 5. OCC also proposes that the rule should address how consent to electronic service can be revoked. OCC, p. 11.

AT&T agrees that the rules should require a clear expression of consent to service by those means. AT&T suggested such an approach in its initial comments. AT&T, p. 5. Parties should affirmatively state whether they consent and the Commission's forms could be changed to add a question to address this issue. The rules should also address revoking such consent, as suggested by OCC.

OCC also proposes a restatement of the requirement that all filings (including E-filings) must contain a certificate of service. OCC, pp. 9-10. The need for such a restatement is unnecessary because the proposed rule clearly applies to all pleadings or papers filed with the commission and includes language requiring all pleadings to contain a certificate of service.

Proposed Rule 4901-1-24

OTA recommends that the e-filing of confidential documents should be accommodated. OTA, p. 5. AT&T supports these comments. As AT&T stated in its initial

comments, the Commission should strive to include them in its E-filing process, with appropriate safeguards.

Conclusion

The Commission should adopt the suggestions supported in these reply comments and those set forth in AT&T's initial comments in adopting new rules to govern E-filing.

Respectfully submitted,

AT&T

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via first class mail, postage prepaid, and via e-mail at the addresses indicated on the parties listed below on this 11th day of June, 2007.

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/11/2007 9:38:30 AM

in

Case No(s). 07-0535-AU-ORD

Summary: Reply Comments electronically filed by Mr. Robert J Wentz on behalf of AT&T