

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Review of Chapter )  
4901:1-6, Ohio Administrative Code. ) Case No. 06-1345-TP-ORD

ENTRY ON REHEARING

The Commission finds:

- (1) Pursuant to its Entry of September 19, 2007, the Commission outlined the process to be utilized in order to effectuate the detariffing of currently tariffed Tier 2 nonresidential services and all regulated toll services. This process includes the completion of the requisite telecommunications form along with the accompanying application reflecting the removal of the detariffed services from a company's tariff.

Additionally, all companies with detariffed services were required to provide a one-time customer notice in order to notify and inform subscribers of the detariffing of the aforementioned services. A copy of the customer notice template was attached to the Commission's entry.

- (2) On October 19, 2007, the office of the Ohio Consumers' Counsel (OCC) filed an application for rehearing of the Commission's Entry of September 19, 2007.
- (3) Section 4903.10, Revised Code, among other things, provides that any affected person, firm, or corporation may make an application for rehearing within 30 days following the journalization of the order. The Commission may grant and hold a rehearing on the matters specified in the application if, in its judgment, sufficient reason appears.
- (4) With respect to the customer notice template, OCC asserts that the Commission erred by adopting an unjust and unreasonable notice to be provided to residential consumers upon the detariffing of residential intrastate toll service. Specifically, OCC states that the notice fails to inform consumers of the meaning and consequences of detariffing. OCC opines that the notice should adequately inform consumers of the meaning and consequences of the detariffing of residential intrastate toll service (Application for Rehearing at 1).

OCC opines that a consumer reading the notice prescribed by the Commission would get the false impression that "the only change

This is to certify that the images appearing are an accurate and complete reproduction of a data base document delivered in the regular course of business.  
Technician AW Date Processed 10/31/07

wrought by detariffing is that the prices, service descriptions, and terms and conditions are no longer on file with the PUCO." In support of its position, OCC notes that the Federal Communications Commission (FCC) has recognized that the elimination of a tariff requires the establishment of individual contracts between the customer and the telephone company and that the detariffed services cannot have the qualities of services with Commission-filed and Commission-approved tariffs (Memorandum in Support Application for Rehearing at 3 citing [http://www.fcc.gov/Bureaus/Common\\_Carrier/News\\_Releases/2001/nrcc0130.html](http://www.fcc.gov/Bureaus/Common_Carrier/News_Releases/2001/nrcc0130.html)). Therefore, OCC asserts that consumers deserve notification about the implications of detariffing, "including the existence of a contract, the circumstances under which a contract is entered into, and the ability to rely on oral or written representations about prices, service descriptions, and the terms and conditions of their service, which were irrelevant under a tariffing regime" (*Id.* at 5).

- (5) On October 29, 2007, The Ohio Telecom Association (OTA) filed a memorandum contra OCC's application for rehearing. OTA submits that the notice set forth in the Commission's entry is a fair balance between too little and too much notice and provides customers with the appropriate level of information with respect to the resulting detariffing (OTA Memorandum Contra at 1, 2).
- (6) On October 29, 2007, AT&T filed a memorandum contra OCC's application for rehearing. AT&T asserts that the Commission's suggested customer notice is sufficient inasmuch as (a) it advises customers that certain services will no longer be on file with the Commission, (b) it ensures that customers are informed as to where they can find the information in the future online, and (c) it instructs customers to contact the companies directly for more detailed information. In support of its position, AT&T states that the FCC requires similar information to be available online pursuant to its detariffing of interstate long distance services and that such requirements have been in place for over five years (AT&T Memorandum Contra at 2).
- (7) OCC's application for rehearing sets forth reasonable grounds and should be granted. Specifically, the Commission determines that the implications and ramifications for the detariffing of services should be identified to customers. Therefore, the customer notice template attached to the Commission's Entry of September 19, 2007, should be replaced with the templates attached to this entry on rehearing. The applicable revised notice should be sent to customers at least fifteen days prior to the filing of the detariffing application with the

Commission and should be included with the application. Additionally, the Commission staff is directed to include a section on the Commission's website informing residential customers regarding the ramifications of the detariffing of long distance service.

It is, therefore,

ORDERED, That OCC's application for rehearing is granted consistent with Finding (7). It is, further,

ORDERED, That all telephone companies seeking the detariffing of Tier 2 nonresidential services and regulated toll services must provide customer notice in accordance with Finding (7). It is, further,

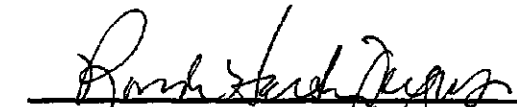
ORDERED, That the Commission staff include a section on the Commission's website informing residential customers regarding the ramifications of the detariffing of long distance service. It is, further,

ORDERED, That a copy of this entry on rehearing be served upon all telephone companies under the Commission's jurisdiction, the Ohio Telecom Association, the office of the Ohio Consumers' Counsel, and all other interested persons of record in this matter.

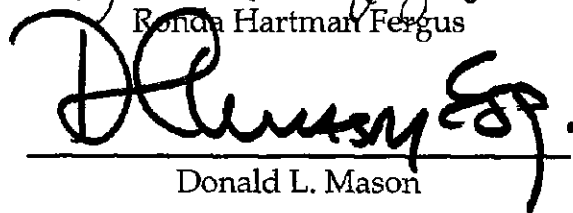
THE PUBLIC UTILITIES COMMISSION OF OHIO

\_\_\_\_\_  
Alan R. Schriber, Chairman

  
\_\_\_\_\_  
Paul A. Centolella

  
\_\_\_\_\_  
Ronda Hartman Fergus

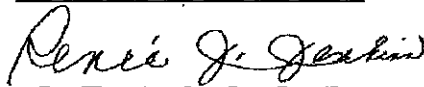
\_\_\_\_\_  
Valerie A. Lemmie

  
\_\_\_\_\_  
Donald L. Mason

JSA:geb

Entered in the Journal

OCT 31 2007

  
\_\_\_\_\_  
Renee J. Jenkins

Renee J. Jenkins  
Secretary

## RESIDENTIAL CUSTOMER NOTICE TEMPLATE

[Date]:

[Salutation]:

Beginning on (date), the prices, service descriptions, and the terms and conditions for long distance services that you are provided by (company name) will no longer be on file at the Public Utilities Commission of Ohio (PUCO).

This modification does not automatically result in a change in the prices, terms, or conditions of those services to which you currently subscribe. (Name of company) must still provide a customer notice at least fifteen days in advance of rate increases, changes in terms and conditions and discontinuance of existing services. Additionally, you will be able to view the company's future service offerings in a (guidebook/catalog) online at (give URL website) or you can request a copy of this information by contacting the (company address and toll free telephone number).

Since long distance services will no longer be on file with the Commission, this means that the agreement reached between the customer and the company, instead of the document on file at the PUCO, will now control new services or changes in service. This agreement, whether it is verbal or written, will still be subject to consumer protections required and enforced by the PUCO.

For any new services or changes in service, it will be important that you carefully review and confirm the price, terms and conditions.

If you have any questions about this matter, please call (company) at the toll free number 8XX-XXX-XXXX or visit us at (URL website). You may also visit the consumer information page on the PUCO's website at [puco.ohio.gov](http://puco.ohio.gov) for further information.

Sincerely,  
(Company name)

## NON-RESIDENTIAL CUSTOMER NOTICE TEMPLATE

[Date]:

[Salutation]:

Beginning on (date), the prices, service descriptions, and the terms and conditions for certain telecommunication services that you are provided by (company name) will no longer be on file at the Public Utilities Commission of Ohio (PUCO).

[General description of services affected]

This modification does not automatically result in a change in the prices, terms, or conditions of those services to which you currently subscribe. (Name of company) must still provide a customer notice at least fifteen days in advance of rate increases, changes in terms and conditions and discontinuance of existing services. Additionally, you will be able to view the company's future service offerings in a (guidebook/catalog) online at (give URL website) or you can request a copy of this information by contacting the (company address and toll free telephone number).

Since these services will no longer be on file with the Commission, this means that the agreement reached between the customer and the company, instead of the document on file at the PUCO, will now control new services or changes in service. This agreement, whether it is verbal or written, will still be subject to consumer protections required and enforced by the PUCO.

For any new services or changes in service, it will be important that you carefully review and confirm the price, terms and conditions.

If you have any questions about this matter, please call (company) at the toll free number 8XX-XXX-XXXX or visit us at (URL website).

Sincerely,

(Company name)