

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

18
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PUCO

In the Matter of the Amendment of)
Certain Rules to Revise Language) Case No. 07-1042-AU-ORD
Requirements on Case No. 07-1042-AU-)
ORD Utility Bills and Other Documents.)

**MOTION
FOR LEAVE TO FILE SURREPLY COMMENTS
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Office of the Ohio Consumers' Counsel ("OCC"), pursuant to Ohio Adm. Code 4901:1-12, hereby moves the Public Utilities Commission of Ohio ("Commission" or "PUCO") for leave to file a surreply to the reply comments filed by AT&T and by Columbia Gas of Ohio, Inc. ("COH") in this docket on October 25, 2007. The opportunity to file surreply comments is necessitated by the inaccuracies and improper belated arguments contained in the AT&T and COH reply comments. The grounds for this motion are set forth in the accompanying memorandum in support; the surreply comments are attached hereto.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business
Technician Date Processed 11-1-07

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



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**BEFORE
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MEMORANDUM IN SUPPORT

On October 3, 2007, the Public Utilities Commission of Ohio ("Commission" or "PUCO") issued an Entry, calling for comments, inter alia, on modifying various PUCO rules related to the call center contact information for the Office of the Ohio Consumers' Counsel ("OCC") that Ohioans see on their utility bills, welcome letters, disconnection notices, energy contracts, and statements of customer rights. OCC, the City of Cleveland; Empowerment Center of Greater Cleveland, Consumers for Fair Utility Rates, and The Neighborhood Environmental Coalition; Appalachian People's Action Coalition; AARP Ohio; Ohio Partners For Affordable Energy; Community Action Partnership of the Greater Dayton Area; and the City of Toledo filed joint comments as the Consumer Coalition. The joint comments stressed the need to have the rules amended so as to actually inform residential utility consumers that OCC's call center is once again able to assist consumers with their complaints about their utility services.

Only one other initial comment was filed, by Columbus Southern Power Company and Ohio Power Company (collectively, "AEP"). AEP stated that it had "no specific comments regarding the proposed rules."¹

As the Consumer Coalition noted in reply, "Given the virtual silence of the utilities on this issue ... the Consumer Coalition is concerned that some may address issues in reply comments that should have been raised in initial comments. On that basis, the Consumer Coalition reserves the right to request a reply opportunity."² As feared, the need to request a surreply has occurred. AT&T and COH have both raised issues that should have been raised in the initial comments invited by the Commission. In addition, both parties have included in their reply comments substantial distortions of the Consumer Coalition's comments; it would disserve the public interest for the Commission to proceed to decision on these issues without the record being corrected.

The Commission's October 3 Entry in this proceeding allowed for comments and reply comments, but did not indicate that there would be any surreply opportunity. On that basis, OCC requests leave to file the attached surreply comments. Very recently, in another context, the Commission has indicated that when its rules do not specifically provide for a particular pleading, a party may request leave to file.³

Under the specific circumstances outlined here, OCC's motion for leave to file a surreply should be granted.

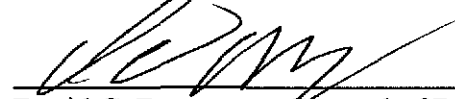
¹ AEP Ohio Comments (October 18, 2007) at [1].

² Consumer Coalition Reply Comments (October 25, 2007) at 2, n.1.

³ See *In the Matter of the Establishment of Carrier-to-Carrier Rules*, Case No 06-1344-TP-ORD, Entry on Rehearing (October 17, 2007) at 3.

Respectfully submitted,

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**SURREPLY COMMENTS
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

As noted in the attached Motion for Leave to File, AT&T and COH were the only utilities that filed reply comments as invited by the Commission's October 3, 2007 Entry. The Consumer Coalition filed reply comments in response to the comments filed by the American Electric Power ("AEP") companies. The Northeast Ohio Public Energy Council ("NOPEC") ("126 member counties, municipalities and townships in nine (9) counties in Northeastern Ohio") filed reply comments in support of the Consumer Coalition's initial comments.

In their purported replies, AT&T and COH expand the arguments by AEP almost out of recognition. As noted by the Consumer Coalition, AEP's only substantive point was a request to exhaust its bill stock, and mentioned no other printed materials.⁴ AT&T concedes that point.⁵ Yet AT&T expands that request to include disconnection notices,⁶

⁴ Consumer Coalition Reply Comments at 3.

⁵ AT&T Reply Comments (October 25, 2007) at 2.

⁶ Id. at 1. AT&T states "the planning and programming required ... take significantly more time than 30 days" after the effective date of the rules. Id. AT&T's statement indicates that its planning and programming would only begin when the rule becomes effective. One would hope that the preparation process for informing consumers would begin, at the very least, when the Commission issues the rules.

and COH mischaracterizes AEP's request as to allow depletion of "current paper stocks."⁷ AT&T and COH both could have filed initial comments expressing these requests, but chose not to do so despite the Commission's invitation to comment. Their belated requests for the Commission to allow exhaustion of their paper stock other than for bills should be disregarded.

Further, AT&T "supports" its position by stating that "the Consumer Coalition relies on a false conclusion that the utilities had expeditiously removed the Office of Consumers' Counsel's contact information in previous dockets."⁸ Indeed, the conclusion was demonstrably true for AT&T, which removed **all** OCC contact information from its bills within one month of the September 28, 2005 Entry granting the waivers.⁹ AT&T was also able to restore OCC contact information to its bill within two weeks of the Joint Committee on Agency Rule Review's approval of the new rules containing modified contact information for OCC.¹⁰

Then AT&T adds that "the timeframe for the new and additional modifications in this docket should be coordinated with the changes that are required under the MTSS rule changes in Case No. 05-1102-TP-ORD...."¹¹ In the first place, this proposal could and should have been made in initial comments in response to the October 3 Entry. Further, the rule changes in this docket cover all utilities, not just the telephone companies

⁷ COH Reply Comments (October 25, 2007) at 1.

⁸ AT&T Reply Comments at 2.

⁹ See attached bill (Attachment 1). The Entry on Rehearing on the waivers from the rules (issued November 9, 2005) is the closest equivalent in that context to the effective date of a rule. Thus AT&T was able to effectuate the change before the effective date of the order requiring the change.

¹⁰ See attached bill (Attachment 2).

¹¹ AT&T Reply Comments at 2.

covered by the MTSS. In addition, AT&T does not specify which of the two MTSS effective dates -- January 1, 2008 or June 1, 2008¹² -- it wishes to have the OCC information on printed materials "coordinated with." If January 1, that is not likely much beyond the effective date of the rules to be considered in this docket¹³; if June 1, this will delay OCC's information being on the bill almost a year beyond the passage of House Bill 119. This is clearly unreasonable and unacceptable.

COH misrepresents the Consumer Coalition's proposal as being one "to require the language changes mandated by the new Rules within thirty (30) days of the Commission's Opinion and Order in this proceeding."¹⁴ The Consumer Coalition's proposal was that "the appropriate OCC contact information appear as soon as possible on all relevant utility materials and in any event no later than 30 days after the effective date of the rules."¹⁵

COH also misstates the Consumer Coalition's proposal as requiring OCC's contact information to be merely "contiguous" with that of the PUCO, given that for COH "multiple page bills and their information frequently result in the carry over of some bill information, like some messages and contact information to the second or subsequent pages of the bills."¹⁶ The Consumer Coalition's proposal was that "OCC's

¹² Id.

¹³ Recall that the Consumer Coalition suggested that utilities request waivers from the current rules in order to place OCC information on printed materials before the effective date of the rules adopted in this docket.

¹⁴ COH Reply Comments at 1. This misunderstanding informs COH's alternative proposal to "permit utilities to take up to 120 days ... to comply with the new language requirements." Id. at 2. Depending on the timing, 120 days after the Opinion and Order might not be that much different from 30 days after the effective date.

¹⁵ Consumer Coalition Initial Comments (October 18, 2007) at 6.

¹⁶ COH Reply Comments at 2.

contact information be printed so as to be contiguous with the PUCO's call center information -- **and on the same page as the PUCO's contact information.**"¹⁷ As stated by the Consumer Coalition, "The information needs to be grouped in a logical manner that is helpful and respectful of consumers' limited time for reviewing and addressing issues with their utility services."¹⁸

Finally, "AT&T supports the Commission's proposed language over the Consumer Coalition's because it is clear and more concise."¹⁹ AT&T's preferred language is neither clear nor concise. As pointed out in the Consumer Coalition's comments, the proposed language in the Entry (that AT&T belatedly supports) is not clear, because it gives no indication of the OCC call center's complaint-handling ability, which was the whole purpose of the General Assembly's action in rescinding R.C. 4911.021. The Ohio Joint Committee on Agency Rule Review ("JCARR") explains that "rules should provide clarity of wording *so that the affected public is able to understand the rules.*"²⁰ The Consumer Coalition, and not AT&T, is proposing such clarity of wording to allow the affected public to understand that they can receive OCC's assistance with their complaints.

Similarly, the proposed language that AT&T waited until its reply to support is not concise, because a matter should be "to the point" to be concise.²¹ The language that

¹⁷ Consumer Coalition Initial Comments at 6 (emphasis added).

¹⁸ Id. at 6-7.

¹⁹ AT&T Reply Comments at 1.

²⁰ See JCARR Procedures Manual at 15 (emphasis added), available at http://www.jcarr.state.oh.us/man_intro.cfm.

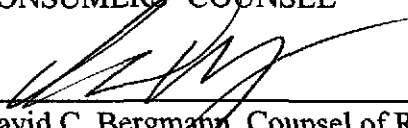
²¹ New World Dictionary of the American Language (Second College Edition, 1979) at 294.

AT&T supports misses the point because the language does not inform consumers that OCC can assist with their complaints.²²

The Commission should reject AT&T and COH's belated proposals that would disserve the public interest and should instead adopt the proposals recommended by the broad-based Ohio coalition that includes municipalities, advocates for low-income consumers, providers of weatherization services, and the state's residential utility consumer advocate.

Respectfully submitted,

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CONSUMERS' COUNSEL



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²² AT&T did not mention in its quest for conciseness that the Consumer Coalition's proposal is all of seven words longer than the staff proposal.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion of the Office of the Ohio Consumers' Counsel for Leave to File Surreply Comments, Memorandum in Support, and Surreply Comments was served by first class United States Mail, postage prepaid, to the persons listed below, on this 1st day of November 2007.



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SBC Long Distance

Invoice Billing - Continued

Important Information

For your information: To view your Terms and Conditions for SBC Long Distance, access www.sbc.com/public_affairs or call 1-888-225-8530 to have a copy mailed.

Important Notice:

Effective, December 1, 2005, the "Regulatory Surcharges" fee will be renamed "Federal Regulatory Fee".

If you have any questions, please refer to the phone number on the front of your bill.

Thank you for choosing SBC Long Distance.

Your Rates, Terms or Services Have Changed:

Effective January 16, 2006 the JustCall(sm)60 Preferred plan will no longer be offered, however, until this plan is discontinued entirely, you may keep your plan unless you move or change your service. Doing so will result in your being asked to select another long distance price plan. For more information or to discuss other long distance calling plans, please refer to the phone number on the front of your bill. Thank you for choosing SBC Long Distance.

Invoice Summary

(as of November 03, 2005)

Current Charges

Service Charges	3.80
Credits and Adjustments	.00
Call Charges	.00
Surcharges and Other Fees	.16
Taxes	.39
Total Invoice Summary	4.35

Service Charges

Monthly Service Charges

Type of Service	Period	Qty	
1 JustCall 60 Preferred (Prorated)	10/06-11/01	1	1.80
2 JustCall 60 Preferred	11/02-12/01	1	2.00
Total Monthly Service Charges			3.80

Total Service Charges 3.80

Call Charges

Calls for 614-890-1337

Domestic

No.	Date	Time	Place Called	Number	Code	Min	Amount
3	10-10	12:40	[REDACTED]		D	1:00	.00

Invoice Billing - Continued

Subtotal Domestic Calls for [REDACTED] .00

Total Domestic Calls for [REDACTED] .00

Total Calls for [REDACTED] .00

Total Call Charges .00

Surcharges and Other Fees

4 Fed Universal Service Fund	.14
5 Regulatory Surcharges	.02
Total Surcharges and Other Fees	.16

Taxes

6 Federal	.12
7 State	.22
8 Municipal	.06
9 Non Home State	.00
Total Taxes	.39

Total Invoice Charges 4.35

Key for Calling Codes:

A Anytime	B Collect	C Calling Card
D Day	E Evening	F Call Forwarding
H Third Number	I Special Intrastate	L Late Night
M Multiple Rate Period	N Night/Weekend	
O Operator Completed - Dial Rates Apply	P Person to Person	
R Standard Overseas	S Station to Station	T Discount/Overseas
X Conference	Y Economy Overseas	3 Three Way

Total SBC Long Distance 4.35



News You Can Use

PREVENT DISCONNECT

Thank you for being a valued customer. It is important to inform you that all charges must be paid each month to keep your account current and prevent collection activities. In addition, please be aware that we are required to inform you of certain charges that **MUST** be paid in order to prevent interruption of basic local service. These charges are already included in the Total Amount Due and are \$25.84.

CARRIER INFO

SBC Long Distance, or a company that resells their service, is your long distance and local toll carrier.

PAYMENT & INQUIRIES

Allow 5 business days when paying by mail. You may also pay at an authorized agent or call 1-800-660-2626 to Charge by Phone. Nonpayment of toll or non-regulated services may result in disconnection or restriction of such services and/or collection action. For problems with your residential service, please call us at 1-800-660-1000. If your questions are not resolved after you have called SBC, you may call the Public Utilities Commission of Ohio (PUCO), Toll Free at 1-800-686-7826 or 1-614-466-3292 or for TDD/TTY Toll Free at 1-800-686-1570 or 1-614-466-8180, 8:00 a.m. to 5:30 p.m. weekdays or visit the PUCO website at www.puco.ohio.gov.

CALL TRACE

Effective 02/01/06, the pay-per-use rate for Call Trace will increase from \$4.59 to \$4.99. For more information, to learn more about our Personal Choice (SM) package, or if you would like to cancel this service, please call 1-800-660-1000. Thank you for choosing SBC Ohio.

DNC NOTIFICATION

The Federal Government has established a National Do Not Call Registry to enable consumers to avoid certain unwanted telemarketing calls. For more information or to register (or revoke your registration) visit their website at <http://donotcall.gov> or call toll-free 1 888 382-1222 (TTY 1 866 290-4238), from the number you wish to register.

BEST TIMES TO CALL

Due to high call volumes experienced on Mondays and Tuesdays, it is generally quicker to reach us Wednesdays through Fridays.

SPECIAL NEEDS

Do you have difficulty hearing and wonder about the benefits of using an amplified telephone? Would it be helpful to hear who's calling before you decide to answer the phone and not have to make your way over to the Caller ID display? Whether it's for you or someone you know, find out more about products designed to solve everyday communications needs by calling the SPECIAL NEEDS CENTER @ 1-800-544-5159.

PAY BILLS ONLINE

Support the National Arbor Day Foundation by using online billing that's easier on you and our planet. Sign up for MySBC eBill(SM) service and stop your paper bills at sbc.com/earthfriendly.MW today.

Page 1 of 2
Account Number 91000000000000000000
Billing Date Apr 16, 2006
Web Site att.com

Bill At-A-Glance

Previous Bill	33.33
Payment Received 4-10 - Thank You!	33.33CR
Adjustments	.00
Balance	.00
Current Charges	26.85
Amount to be Debited	\$26.85
Debiting Bank Account on	May 11, 2006

Billing Summary

Questions? Call:

Plans and Services	24.53
1-800-660-1000	
Repair Service:	
1-800-572-4545	
Automated Billing/Payment Arrangements:	
1-800-660-2626	
AT&T Long Distance	2.32
1-800-660-1000	
Total of Current Charges	26.85

Plans and Services

Monthly Service - Apr 16 thru May 15

Line Charge	6.70
Unlimited Residence Service	7.55
Federal Access Charge	5.39
Total Monthly Service	19.64

Additions and Changes to Service

This section of your bill reflects charges and credits resulting from account activity.

Account Activity Item	Quantity	Monthly Rate	Amount Billed
Effective Apr 1, 2006, your Bill reflects an increase of \$04 in your Monthly Service charges. Charges are prorated from Apr 1, 2006 thru Apr 15, 2006			
1. Monthly Service			.02

Local Calls

Pay Per Use Services

No.	Date	Time	Number
Automatic Call Back			
1	4-01	621P	1.00

Surcharges and Other Fees

9-1-1 Emergency System	
Billed for Franklin County	.12
Federal Universal Service Fee	.58
Total Surcharges and Other Fees	.70

Taxes

Federal at 3%	.67
Sales at 6.75%	1.51
Total Taxes	2.18

Total Plans and Services

News You Can Use - Summary

- PREVENT DISCONNECT
 - AT&T LOCAL TOLL
 - UNIVERSAL SVC FEE
 - PAYMENT & INQUIRIES
 - PAY BILLS ONLINE
 - CARRIER INFO
 - AT&T LOCAL TOLL
 - OUR NAME HAS CHANGED
 - BEST TIMES TO CALL
- See "News You Can Use" for additional information.

Local Services provided by AT&T Illinois, AT&T Indiana, AT&T Michigan, AT&T Ohio or AT&T Wisconsin based upon the service address location.

U.S. Pat. D410,950 and D414,510

**Your Bank Account
Will Be Debited On**

May 11, 2006

Amount to
Be Debited

\$26.85



Billing Date Apr 16, 2005

Account Number

AT&T
BILL PAYMENT CENTER
SAGINAW, MI 48663-0003



76140890013371930613100130710000000000000000026850000000000



AT&T Long Distance

Important Information: To view your Terms and Conditions for SBC Long Distance, access www.sbc.com/public_affairs or call 1-888-225-8530 to have a copy mailed.

New d/b/a (doing business as) name AT&T Long Distance: As a result of the recent merger of SBC Communications, Inc. and AT&T Corp., SBC Long Distance, LLC has adopted a new d/b/a of AT&T Long Distance. In the coming months the name on your bill will change from SBC Long Distance to AT&T Long Distance. This change is purely for marketing purposes and will have no impact on the rates, terms or conditions of your current service. If you have questions, please call us at the number shown on this bill.

Invoice Summary

(as of April 03, 2008)

Current Charges	
Service Charges	2.00
Credits and Adjustments	.00
Call Charges	.00
Surcharges and Other Fees	.10
Taxes	.22
Total Invoice Summary	2.32

Service Charges

Monthly Service Charges

Type of Service	Period	Qty	
1 JustCall 80 Preferred	04/02-05/01	1	2.00
Total Monthly Service Charges			2.00
Total Service Charges			2.00

Call Charges - Mar 2nd thru Apr 1st

Calls for 814-890-1337

Domestic

No.	Date	Time	Place	Called	Number	Code	Min	Amount
2	3-02	706P	[REDACTED]	[REDACTED]	[REDACTED]	D	2:00	.00
3	4-01	825P	[REDACTED]	[REDACTED]	[REDACTED]	D	2:00	.00

Subtotal Domestic Calls for [REDACTED] .00

Total Domestic Calls for [REDACTED] .00

Total Calls for [REDACTED] .00

Total Call Charges .00

Surcharges and Other Fees

4 Fed Universal Service Fund	.08
5 Federal Regulatory Fee	.01
Total Surcharges and Other Fees	.10

Taxes

6 Federal	.07
7 State	.12

Invoice Billing - Continued

8 Municipal	.09
9 Non Home State	.00
Total Taxes	.22

Total Invoice Charges 2.32

Key for Calling Codes:

A Anytime	B Collect	C Calling Card
D Day	E Evening	F Call Forwarding
H Third Number	I Special Intrastate	L Late Night
M Multiple Rate Period	N Night/Weekend	P Person to Person
O Operator Completed - Dial Rates Apply	S Station to Station	T Discount/Overseas
R Standard Overseas	Y Economy Overseas	3 Three Way
X Conference		

Total AT&T Long Distance 2.32



CHRISTINE A REESE
4989 BLENDON POND DR
WESTERVILLE, OH 43081-4825

Page 3 of 3
Account Number 614 890-1337 193 7
Billing Date Apr 16, 2006

News You Can Use

PREVENT DISCONNECT

Thank you for being a valued customer. It is important to inform you that all charges must be paid each month to keep your account current and prevent collection activities. In addition, please be aware that we are required to inform you of certain charges that **MUST** be paid in order to prevent interruption of basic local service. These charges are already included in the Total Amount Due and are \$24.53.

CARRIER INFO

AT&T Long Distance, or a company that resells their service, is your long distance and local toll carrier.

AT&T LOCAL TOLL

Effective 5/1/2006, out-of-state Local Toll day rates will increase from \$0.38 to \$0.40 per minute, and evening & night rates will increase from \$0.28 to \$0.30 per minute. These changes do not apply to AT&T Long Distance. For more information, or to learn more about our money-saving packages, please call 1-800-660-1000 or visit us online at att.com. Thank you for choosing AT&T Ohio.

AT&T LOCAL TOLL

Effective 5/1/2006, Local Toll per minute rates will increase. Day rates will increase from \$0.29 to \$0.31 per minute, evening rates from \$0.25 to \$0.27, and night rates increase from \$0.23 to \$0.25. These changes do not apply to AT&T Long Distance. For more information, to learn more about our money-saving packages, or if you wish to cancel this service, please call 1-800-660-1000 or visit att.com.

UNIVERSAL SVC FEE

Effective 4/1/06, the Federal Universal Service Fee increased. This fee supports telecommunication needs of low-income households, consumers living in high cost areas, schools, libraries and rural hospitals. Your current bill reflects the change. For more information please contact an AT&T Ohio Service Representative at the number listed on your bill. Thank you for choosing AT&T Ohio.

OUR NAME HAS CHANGED

But our promise remains the same. We, at the new AT&T are here to deliver your world. And we promise to bring you the products and services you need to make the most of it. We're working hard to ensure our network is the most complete, secure and equipped to provide exactly what you need, exactly when you need it. The new AT&T. Your world. Delivered.

News You Can Use - Continued

PAYMENT & INQUIRIES

Allow 5 business days when paying by mail. You may also pay at an authorized agent or call 1-800-660-2626 to Charge by Phone. Nonpayment of toll or non-regulated services may result in disconnection or restriction of such services and/or collection action. For problems with your residential service, please call us at 1-800-660-1000.

If your complaint is not resolved after you have called AT&T, or for general utility information, residential and business customers may call the Public Utilities Commission of Ohio (PUCO), toll free at 1-800-686-7826 or for TDD/TTY toll free at 1-800-686-1570, 8:00 a.m. to 5:30 p.m. weekdays, or visit www.puco.ohio.gov.

The Ohio Consumers' Counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted toll free at 1-877-742-5622 from 8:00 a.m. to 5:00 p.m. weekdays, or visit www.pickocc.org.

BEST TIMES TO CALL

Due to high call volumes experienced on Mondays and Tuesdays, it is generally quicker to reach us Wednesdays through Fridays.

PAY BILLS ONLINE

Now AT&T eBill is better than ever! Did you know you can now pay with your debit card or even schedule a future-dated payment from your bank account? Visit att.com/billmessage to learn more.