

March 18, 2008

By: *Hand-Delivery*

Ms. Renee J. Jenkins
Director of Administration
Secretary of the Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

RECEIVED-DOCKETING DIV

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PUCO

RE: In the Matter of the Amendment of the Minimum Telephone Service Standards as Set Forth in Chapter 4901:1-5 of the Ohio Administrative Code,
PUCO Case No. 00-1265-TP-ORD

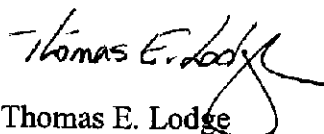
In the Matter of the Settlement Agreement Between the Staff of the Public Utilities Commission of Ohio and Verizon North Inc. Relating to the Minimum Telephone Service Standards, PUCO Case No. 07-511-TP-UNC

Dear Ms. Jenkins:

Enclosed are an original and ten (10) copies of Verizon North Inc.'s Motion for Waiver Under Ohio Administrative Code 4901:1-5-02(B)(1) and Request for Grace Period Under Ohio Administrative Code 4901:1-05-08(D), to be filed in connection with the above-referenced matter.

Thank you for your assistance. If you have any question, please feel free to call.

Respectfully yours,


Thomas E. Lodge

cc: Steve Lesser, Chief of Staff
Jeffrey R. Jones, Chief Telephone & Water Section
Paul Duffy, Director
Doris McCarter, Department Director
Service Monitoring & Enforcement
A. Randall Vogelzang, Esq.
All Parties of Record

Enclosures

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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING DIV
2008 MAR 18 PM 3:52
PUCO

In the Matter of the Amendment of the)
Minimum Telephone Service Standards) Case No. 05-1102-TP-ORD
As Set Forth in Chapter 4901:1-5 of the)
Ohio Administrative Code.)

In the Matter of the Settlement Agreement)
Between the Staff of the Public Utilities) Case No. 07-511-TP-UNC
Commission of Ohio and Verizon North Inc.)
Relating to the Minimum Telephone Service)
Standards.)

**VERIZON NORTH INC.'S MOTION FOR
WAIVER UNDER OHIO ADMINISTRATIVE CODE 4901:1-5-02(B)(1) AND REQUEST
FOR GRACE PERIOD UNDER OHIO ADMINISTRATIVE CODE 4901:1-5-08(D)**

Verizon North Inc. ("Verizon") moves for a waiver of Ohio Administrative Code 4901:1-5-08(B)(5) ("OOS Rule") to clear out-of-service ("OOS") trouble reports within 24 hours for the period beginning March 4, 2008 until March 12, 2008 in its affected exchanges. In the alternative, pursuant to Ohio Administrative Code 4901:1-5-02 (B)(1), Verizon requests a forty-eight hour grace period under Ohio Administrative Code 4901:1-5-08(D) ("Grace Period Rule") for the same period in its affected exchanges where a customer adjustment would otherwise accrue pursuant to Ohio Administrative Code 4901:1-5-08(C).

Verizon requests the waiver of the OOS Rule because it was prevented by circumstances beyond its control from repairing service within twenty-four hours and there is good cause for the waiver. Verizon also meets the requirements of the Grace Period Rule. Verizon files these alternative requests due to unusually severe weather conditions across Ohio between March 4, 2008 and March 12, 2008 that were extreme, unique, or unforeseeable. As a result of the storms, Verizon experienced a number of service outages throughout its service area which prevented repair of OOS trouble reports within 24 hours.

WHEREFORE, Verizon moves that the Commission grant it a waiver of the OOS Rule, or in the alternative, that it be given a 48-hour grace period in each exchange where a customer adjustment would otherwise accrue.

Verizon directs the Commission's attention to its Memorandum in Support of Motion for Waiver and Grace Period.

Respectfully submitted,

Verizon North Inc.

Date 3/18/08

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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Amendment of the)	
Minimum Telephone Service Standards)	Case No. 05-1102-TP-ORD
As Set Forth in Chapter 4901:1-5 of the)	
Ohio Administrative Code.)	

In the Matter of the Settlement Agreement)	
Between the Staff of the Public Utilities)	Case No. 07-511-TP-UNC
Commission of Ohio and Verizon North Inc.)	
Relating to the Minimum Telephone Service)	
Standards.)	

**MEMORANDUM IN SUPPORT OF MOTION FOR
WAIVER UNDER OHIO ADMINISTRATIVE CODE 4901:1-5-02(B)(1) AND REQUEST
FOR GRACE PERIOD UNDER OHIO ADMINISTRATIVE CODE 4901:1-5-08(D)**

Verizon North Inc. ("Verizon") moves for a waiver of Ohio Administrative Code 4901:1-5-08(B)(5) ("OOS Rule") to clear out-of-service ("OOS") trouble reports within 24 hours for the period beginning March 4, 2008 until March 12, 2008 in its affected exchanges. In the alternative, pursuant to Ohio Administrative Code 4901:1-5-02 (B)(1), Verizon requests a forty-eight hour grace period under Ohio Administrative Code 4901:1-5-08(D) ("Grace Period Rule") for the same period in its affected exchanges where a customer adjustment would otherwise accrue pursuant to Ohio Administrative Code 4901:1-5-08(C).

WAIVER

First, Verizon moves for a waiver of the OSS Rule between March 4, 2008 and March 12, 2008. Ohio Administrative Code 4901:1-5-02(B)(1) states:

Pursuant to its jurisdiction under Title 49 of the Revised Code, the commission may:

(1) for good cause shown as supported by a motion and supporting memorandum, waive any requirement, standard, or rule set forth in this chapter.

Since March 4, 2008, various levels of weather emergencies have been declared as a result of unusually heavy storms in several counties throughout Ohio. Service performance and restoration in these areas have been hampered by a variety of weather-related impediments, including but not limited to impassable roads, travel restrictions, flooding, rain, severe ice, downed trees, snow, winds, and other blizzard conditions. The storms were extreme, unique, and unforeseeable. As a result of the storms, duly authorized county officials for the county in which the affected exchanges are located have issued declarations of a state of emergency. Attached Exhibit 1 lists the counties which were under a state of emergency during the period.

In the Marion exchange, a service outage occurred on March 4, 2008, due to a wet aerial 1200 pair stalpeth cable, which resulted in 125 OOS customer trouble reports. Verizon attempted to repair the cable, but the ground, trees, poles and cable were covered with ice. See attached Exhibit 2. A Verizon technician attempting to repair the cable was hit by falling ice and suffered facial lacerations. If work had continued, there would have been further injury to Verizon's technicians, or worse. As a result, it was unsafe for the work to proceed on the damaged cable, and service could not be restored to all 125 lines until after the twenty-four hour period required by the OOS Rule. Because of these circumstances beyond Verizon's control there is good cause to waive the requirement to complete the service in 24 hours.

Also beginning on March 7, 2008, Verizon service areas were affected by a record snowfall of up to 20 inches in many locations. Verizon exchanges had many more trouble reports, with all affected exchanges experiencing either at least a three hundred percent increase in the number of out-of-service reports as compared to the average number of out-of-service reports for the affected month for the three previous years or were subject to a declaration of a

state of emergency by the duly authorized county official for the county in which exchanges are located. Such declarations prohibiting Verizon technicians from traveling on the roads made it impossible for Verizon to reach damaged facilities. Such significant increase in out-of-service reports and the inability to reach damaged facilities were beyond Verizon's control and are good cause for the waiver.

The severe weather driving the spike in OOS repair reports included dangerous storms with high winds, heavy snowfall, causing damage to property and people in Verizon's Ohio service areas. The snow and other resulting conditions significantly restricted Verizon's ability to clear "OOS" conditions within 24 hours. As a result of the weather, Verizon seeks a waiver to remove from the calculation of the OOS Rule metric the 125 trouble reports in Marion caused by the damaged cable on March 4, and remove all trouble repair reports for effected exchanges between March 7 through 12.

Although there is no time period in Ohio Administrative Code 4901:1-5-02 to file a waiver, the Commission has previously held in these dockets that the 10 business day period of the Grace Period rule should apply when considering subsection D of the old rule, which has been removed from this version of the rule.¹ Although Verizon does not propose that the 10-business day limit for filing under the Grace Period Rule apply to this rule, or that any provision of the Grace Period Rule apply here, out of an abundance of caution Verizon is filing this motion within that 10-day period.

Due to the short time period for this filing, Verizon has not yet been able to obtain all the support for this request. However, Verizon plans to file additional support within 30 days.

¹ Case Nos. 00-1265-TP-ORD and 07-511-TP-UNC, Finding and Order March 5, 2008. Subsection D is no longer in the current rule.

GRACE PERIOD

For the same reasons, Verizon seeks a forty-eight hour grace period under the Grace Period Rule if a waiver is not granted. Section (D) of the Grace Period Rule states:

(D) LECs may be permitted by the commission to obtain a grace period of an additional forty-eight hours in each exchange where otherwise a customer adjustment would accrue pursuant to paragraph (C) of this rule, due to an extreme, unique, or unforeseeable weather-related incident.

(1) A grace period may be requested by a LEC per affected exchange by filing a request for a waiver of paragraph (C) of this rule within ten business days of the weather-related incident. A grace period may be requested due to either:

(a) At least a three hundred per cent increase in the number of out-of-service reports as compared to the average number of out-of-service reports for the affected month(s) of the three previous years.

(b) Any declaration of a state of emergency by the governor or a duly authorized county official for the county in which the exchange is located.

(2) Exchanges with ten or fewer daily out-of-service reports during the requested grace period are not eligible for this grace period.

(3) Supplemental documentation sufficient to justify the request for the grace period shall be filed within thirty days of the initial grace period request.

(4) If the commission or an attorney examiner appointed by the commission does not act to suspend or reject the request for a grace period within forty-five days of the filing of the request, the request for the grace period will be presumed granted.

Verizon meets the above requirements for a 48-hour grace period.

As a result of the storms, Verizon was prevented from restoring service because of dangerous, unsafe conditions preventing travel and work on repairs. Verizon was prevented from completing trouble reports during this period due to causes beyond its control. Thus, Verizon requests a 48-hour grace period for customer adjustments required by the OOS Rule for all 125 customers in Marion who were out of service beginning March 4 due to the damaged cable. In addition, Verizon request a 48-hour grace period for customer adjustments required by the OSS Rule for customers affected by the storms from March 7 through March 12.

Verizon is requesting the grace period within 10 business days of the storms. The request is made because: 1) Verizon has experienced at least a three hundred per cent increase in the number of out-of-service reports as compared to the average number of out-of-service reports for the affected month(s) of three previous years, or 2) there have been declarations of a state of emergency by duly authorized county officials for the counties in which the affected exchanges are located. None of the affected exchanges had ten or fewer daily out-of-service reports during the requested grace period. Verizon is preparing supplemental documentation to support this request and plans to file it within thirty days as required by the rule.

CONCLUSION

Verizon is requesting a waiver or, in the alternative, a grace period. If all affected Verizon exchanges qualify for a waiver, then a grace period will not be required. However, if all affected exchanges do not qualify for a waiver during this period, Verizon requests that it be given a forty-eight hour grace period for those affected exchanges.

Wherefore, for the reasons state above, pursuant to Ohio Administrative Code 4901:1-5-02 (B)(1), Verizon requests a waiver of Ohio Administrative Code 4901:1-5-08(B)(5) for the

period beginning March 4, 2008 until March 12, 2008, or in the alternative, Verizon requests a forty-eight hour grace period permitted under Ohio Administrative Code 4901:1-5-08(D) for the same period.

Respectfully submitted,

Verizon North Inc.

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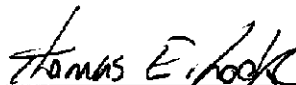
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Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon all parties listed on the attached Service List, via ordinary U.S. mail, this 18th day of March, 2008.



Thomas E. Lodge (0015741)

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Case No. 07-0511-TP-UNC

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**Verizon North Inc.
Case Nos. 05-1102-TP-ORD and 07-511-TP-UNC**

SNOW LEVEL EMERGENCIES

Perry - 3
Franklin - 2
Fairfield - 2
Licking - 2
Delaware - 3
Morrow - 3
Hardin - 2
Logan - 2
Fayette - 3
Guernsey - 2
Athens - 2
Hocking - 3
Madison - 3
Union - 3
Muskingum - 3
Pike - 2
Pickaway - 2
Coshocton - 2
Champaign - 3
Marion - 3
Knox - 3
Ross - 2
NOBLE - 2
CLARK CO. - 3

**Verizon North Inc.
Case Nos. 05-1102-TP-ORD and 07-511-TP-UNC**



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Case Nos. 05-1102-TP-ORD and 07-511-TP-UNC

