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BAILEY CAVALIERI LLC

ATTORNEYS AT LAW

One Columbus 10 West Broad Street, Suite 2100 Columbus, Ohio 42315-3422
telephone 614.221.3155 facsimile 614.221.0479
www.baileycavalieri.com
direct dial: 614.229.3278
email: William.Adams@BaileyCavalieri.com

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PUCO

April 9, 2008

VIA HAND DELIVERY

Ms. Renee Jenkins
Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street, 13th Floor
Columbus, OH 43215-3793

Re: *In the Matter of the Application of Doylestown Telephone Company
for a Waiver of Edge-Out Access Rate Reduction Requirements*
Case No. 08-0117-TP-WVR

Dear Ms. Jenkins:

Enclosed herewith are the original and seven (7) copies of Doylestown Telephone Company's Memorandum Contra The Verizon Companies' Motion to Intervene. Please file stamp the two (2) additional copies of this document and return them with our courier.

Thank you for your attention to this matter.

Very truly yours,

BAILEY CAVALIERI LLC

William A. Adams

WAA/sg

Enclosure

cc(w/enclosure):

Joseph R. Stewart, Esq., Attorney for Embarq
Jon F. Kelly, Esq., Attorney for the AT&T Entities
David C. Bergmann, Esq., Attorney for the Office of the
Ohio Consumers' Counsel
Barth E. Royer, Esq., Attorney for the Verizon Companies

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Doylestown)	Case No. 08-0117-TP-WVR
Telephone Company for a Waiver of Edge-Out)	
Access Rate Reduction Requirements)	

**DOYLESTOWN TELEPHONE COMPANY'S MEMORANDUM CONTRA
THE VERIZON COMPANIES' MOTION TO INTERVENE**

Doylestown Telephone Company ("Doylestown") opposes the Motion to Intervene filed by the Verizon Companies on March 26, 2008. For the reasons explained in this memorandum, the motion is not meritorious and should be denied.

For many years, the Ohio Supreme Court has held that the intervention statute clearly contemplates intervention in quasi-judicial proceedings, characterized by notice, hearing, and the making of an evidentiary record. *Ohio Domestic Violence Network v. PUCO* (1994), 70 Ohio St.3d 311, 315-316, 638 N.E.2d 1012. Because this is not a quasi-judicial proceeding, intervention is not appropriate as explained in prior Doylestown pleadings filed in this docket which are incorporated by reference. This case is a companion to the carrier-to-carrier rulemaking and could have been filed as a motion in that docket.

This remains a proper result with the Ohio Supreme Court's recent articulation that intervention ought to be liberally allowed. *Ohio Consumers' Counsel v. PUCO* (2006), 111 Ohio St.3d 384, 387-388, 856 N.E.2d 940. Under that decision, intervention should be denied where there is concern about delay or an alternative avenue exists for would-be intervenors to seek recourse. *Id.* Here, the Doylestown waiver request is related to a rulemaking proceeding and the Verizon Companies have other recourse. If the Commission grants its waiver request, the

Verizon Companies can file a complaint case pursuant to Ohio Revised Code § 4905.26 and assert that Doylestown's edge-out access rates violate the statute. This is precisely what the Verizon Companies recently did in PUCO Case No. 07-1100-TP-CSS.

Furthermore, the Verizon Companies' motion should be denied because its interests are not distinguishable from those previously asserted by Embarq and the AT&T Entities. Ohio Administrative Code § 4901-1-11(B)(5). The Verizon Companies' motion constitutes nothing more than "piling on."

The Verizon Companies also support Embarq's request for a hearing by incorrectly characterizes Doylestown's waiver application. Verizon Companies Memorandum at 5 - 6. Doylestown did not base its business plan on the assumption that its access charges would never be reduced. Rather, Doylestown stated in its application that it understood that access charges in the edge-out service territory would remain identical to the Doylestown Exchange and would be reformed together as part of then-pending Case No. 00-127-TP-COI. Doylestown Application at 2. Reforming intrastate access rates is a complex issue and involves more than simply lowering access charges as the Verizon Companies know well when their ILEC established an end-user charge to offset revenue reductions from lower intrastate access rates. Case No. 00-127-TP-COI (Opinion and Order, July 19, 2001).

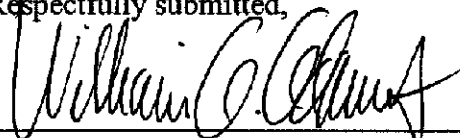
Contrary to the Verizon Companies' suggestions, granting the waiver would not undermine the Commission's ongoing access reform efforts. The Commission specifically contemplated that small ILECs can seek a waiver of the edge-out access reduction requirements by showing that the reduction is inconsistent with its current edge-out authority and is economically or technically infeasible. Case No. 06-1344-TP-ORD (Entry on Rehearing, October 17, 2007) at 18-19. Because Doylestown's edge-out authority requires it to operate as an ILEC, it is inconsistent to impose CLEC access rate caps or permit CLEC retail pricing

flexibility. This may not be true of all edge-out authority cases. Doylestown's waiver application also demonstrates the economic infeasibility.

Finally, the Verizon Companies assert that a hearing is appropriate under Ohio Revised Code § 4909.18. Verizon Companies Memorandum at 7. This section is not applicable because Doylestown seeks to continue to charge the lawful access rates approved by the Commission in Case No. 01-568-TP-UNC.

For the foregoing reasons, the Verizon Companies' motion to intervene should be denied and Doylestown's waiver application should be approved without a hearing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William A. Adams", written over a horizontal line.

William A. Adams (Counsel of Record)
BAILEY CAVALIERI LLC
10 West Broad Street, Suite 2100
Columbus, OH 43215-3422
(614) 229-3278 (telephone)
(614) 221-0479 (fax)
William.Adams@baileycavalieri.com
Attorneys for Doylestown Telephone Company

CERTIFICATE OF SERVICE


The undersigned hereby certifies that a true copy of the foregoing Doylestown Telephone Company's Memorandum Contra the Verizon Companies' Motion to Intervene was served this 9th day of April, 2008, by regular U.S. Mail upon:

Joseph R. Stewart, Esq.
50 West Broad Street, Suite 3600
Columbus, OH 43215
Attorney for Embarq

Jon F. Kelly, Esq.
AT&T Ohio
150 East Gay Street, Room 4-A
Columbus, OH 43215
Attorney for the AT&T Entities

David C. Bergmann, Esq.
Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215
Attorney for Office of the Ohio Consumers' Counsel

Barth E. Royer, Esq.
BELL &, ROYER CO., LPA
33 South Grant Avenue
Columbus, OH 43215-3900
Attorney for The Verizon Companies



William A. Adams