

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Amendment of the)	
Minimum Telephone Service Standards)	Case No. 00-1265-TP-ORD
As Set Forth in Chapter 4901:1-5 of the)	Case No. 05-1102-TP-ORD
Ohio Administrative Code)	

**CINCINNATI BELL TELEPHONE COMPANY LLC’S MEMORANDUM IN
OPPOSITION TO THE APPLICATION FOR REHEARING OF THE OCC**

Cincinnati Bell Telephone Company LLC (“CBT”) hereby submits its Memorandum in Opposition to the Application For Rehearing of The Office of the Ohio’s Consumers’ Counsel (“OCC Application”) filed June 13, 2008. The OCC Application was filed in response to Commission’s May 14, 2008 Entry in this matter (the “May 14 Entry”), which denied waivers of Rule 4901:1-5-10(B) of the Minimum Telephone Service Standard (the “Service Termination Rule”) sought by AT&T and by Ohio Telecom Association (“OTA”) but which granted a limited waiver of the Service Termination Rule and deferred enforcement of it until January 1, 2009. As set forth below, CBT opposes certain of the OCC’s requests for modification of the Commission’s May 14, 2008 Entry.

Argument

In its application, the OCC acknowledges that the Commission delayed enforcement of the “entirety” of the Service Termination Rule for “all affected telecommunications providers” until January 1, 2009. (OCC Application at 8.) Nevertheless, the OCC asks the Commission to modify the May 14 Entry to state that the rule is in effect for single-line residential customers of ILECs and for all residential customers of CLECs. (Id. at 9.) CBT opposes the OCC’s requested modification.

As indicated in the May 14 Entry, the Commission delayed enforcement of the rule in order to give all carriers sufficient time to implement the extensive billing systems changes necessary to comply with the new disconnection rule, i.e. to correctly identify the minimum charges necessary for a customer to retain basic local exchange service (“BLES”). Such an extension is necessary for carriers such as CBT who use a single product code to bill for service bundles that include BLES as well as regulated optional features at a single tariffed price. Today, over half of CBT’s residential customers purchase BLES as part of service bundles, as do many small business customers. Under Rule 4901:1-5-17(A), the existing disconnection rule, a CBT customer bill identifies all local regulated services as services for which basic local service may be disconnected for nonpayment. In this way, CBT complies with the federal Truth-in-Billing rule that requires carriers to “distinguish between charges for which non-payment will result in disconnection of basic, local service and charges for which non-payment will not result in such disconnection.” (47 C.F.R. § 64.2401(c).) Under the revised Service Termination Rule, however, CBT will be required to make extensive billing systems changes to ensure that the correct minimum payment necessary to retain stand-alone BLES is disclosed for all types of accounts—single line, multi-line, residential and business accounts alike—in order to comply with the federal Truth-in-Billing requirement.

The requirement to identify the minimum charges that must be paid to retain BLES is further complicated by the need to use “the tariffed rate of stand-alone BLES” for partial disconnection of package services. CBT has five different prices for stand-alone BLES but only one price for most packages. As a result, the amount that one customer must pay to retain BLES may vary from the price another customer must pay to retain BLES depending on the applicable tariffed rate for stand-alone BLES even if those customers purchase the same service bundle. Moreover, this amount must carry forward to the disconnect letters and the disconnect process.

In order to comply with both the revised Service Termination Rule and the federal Truth-in-Billing rule, CBT has determined that the most economical and expedient solution is to create new codes to represent only BLES charges. Given the magnitude of the project, CBT estimates that will cost approximately \$590,000 to complete the systems changes. Furthermore, it will take hundreds of hours to complete the required systems changes. For these reasons, the extension until January 1, 2009 is warranted for all types of accounts.

Conclusion

Given the complexity of the system changes necessary to comply with both the new Service Termination rule and Truth-in-Billing rule, CBT urges the Commission to deny the OCC's requested modification and reiterate that the revised rule will not be enforced until January 1, 2009 with respect to all account types. Such was the intent of OTA's waiver request (of which CBT was a part), and CBT believes that the extension is both necessary and appropriate to give all carriers time to make the systems changes. Furthermore, to the extent necessary, CBT requests clarification that the existing disconnection procedures remain in place for all customers and that these procedures will be considered to be in compliance with the Commission rules through January 1, 2009.

Respectfully submitted,

By: /s/ Jouett K. Brenzel

Jouett K. Brenzel (0073508)
221 E. Fourth Street, 103-1280
Cincinnati, OH 45202
(513) 397-7260

Attorney for Cincinnati Bell Telephone
Company LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon all parties listed below, by ordinary U.S. Mail, postage prepaid, this 23rd day of June, 2008.

/s/ Jouett K. Brenzel
Jouett K. Brenzel

SERVICE LIST
CASE NO. 05-1102-TP-ORD

Duane W. Luckey
Assistant Attorney General
Chief, Public Utilities Section
180 East Broad Street, 9th Floor
Columbus, OH 43215

Joseph R. Stewart
United Telephone Company of Ohio
dba Embarq
50 West Broad Street, Suite 3600
Columbus, OH 43215-5918

Jon F. Kelly
Mary Ryan Fenlon
AT&T Ohio
150 East Gay Street, Room 4-A
Columbus, OH 43215

Thomas J. O'Brien
Sally W. Bloomfield
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291

William S. Newcomb, Jr.
Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216-1008

David C. Bergmann
Terry L. Etter
Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215

Robert J. Triozzi
Harold A. Madorskyu
City Hall, Room 106
601 Lakeside Avenue
Cleveland, OH 44114

Michael R. Smalz
Ohio State Legal Services Association
555 Buttles Avenue
Columbus, OH 43215

Ron Ridges
AARP Ohio
17 South High Street, Suite 800
Columbus, OH 43215

James E. Moan, Law Director
Counsel for Sylvania
4930 Holland-Sylvania Road
Sylvania, OH 43560

Brian J. Ballenger, Law Director
Counsel for Northwood
Ballenger & Moore
3401 Woodville Road, Suite C
Toledo, OH 43619

Joseph P. Meissner
Legal Aid Society of Cleveland
1223 West Sixth Street
Cleveland, OH 44113

Sheilah H. McAdams
Marsh & McAdams
204 West Wayne Street
Maumee, OH 43537

Paul S. Goldberg, Law Director
Phillip D. Wurster, Asst. Law Director
Counsel for Oregon
5330 Seaman Road
Oregon, OH 43616

Paul Skaff
Leatherman, Witzler, Dombey & Hart
353 Elm Street
Perrysburg, OH 43551
Peter D. Gwyn, Law Director

Counsel for Perrysburg
110 West Second Street
Perrysburg, OH 43551

Lance M. Keiffer
711 Adams Street, 2nd Floor
Toledo, OH 43624-1680

Richard Pfeiffer, Jr.
John C. Klein
109 N. Front Street
Columbus, OH 43215

Kerry Bruce, Senior Attorney
Leslie Kovacik, Senior Attorney
Counsel for Toledo
One Government Center, Suite 2250
Toledo, OH 43604

Ellis Jacobs
Edgemont Neighborhood
Advocates for Basic Legal Equality, Inc.
333 West First Street, Suite 500B
Dayton, OH 45402

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/23/2008 5:14:09 PM

in

Case No(s). 00-1265-TP-ORD, 05-1102-TP-ORD

Summary: Memorandum Cincinnati Bell Telephone Company LLC's Memorandum in Opposition to the Application for Rehearing of the OCC electronically filed by Evelyn W King on behalf of CINCINNATI BELL TELEPHONE COMPANY