

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Adoption of Rules for the)	
Telecommunications Relay Service Assessment)	
Pursuant to Section 4905.84, Revised Code, as)	Case No. 08-815-TP-ORD
Enacted by House Bill 562.)	

**Comments
of
tw telecom of ohio llc**

Introduction

By Entry dated July 9, 2008, the Public Utilities Commission of Ohio ("Commission") issued for comment proposed rules to effectuate House Bill (H.B.) 562 requiring the annual assessment to pay for costs incurred for the Telecommunications Relay Service ("TRS"). **tw telecom of ohio llc** ("TWTC" f/k/a Time Warner Telecom of Ohio, LLC) is a facilities-based competitive local exchange carrier certified to provide local exchange telecommunications services to business customers in Ohio. TWTC hereby submits comments as an interested stakeholder.

Rule 4901:1-6-24(B)

Ohio Administrative Code ("O.A.C.") Rule 4901:1-6-24(B) requires the Commission to collect from each service provider, "including telephone companies, commercial mobile radio service providers and providers of advanced services or internet basic local exchange service ****" an assessment to pay for the costs incurred by the TRS provider. The last sentence of (B) states that the definition of advanced services and internet protocol-enabled services will have the meanings ascribed by federal law.

The July 9, 2008 Entry requested comments on whether the definition of advanced services and internet protocol-enabled services should include a reference to the applicable federal law. By way of general commentary, TWTC strongly supports that aspect of H.B. 562 that imposes the funding obligation on "providers of advanced services or internet protocol-enabled services that are

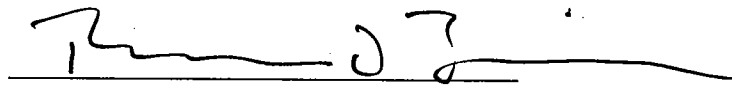
competitive with or functionally equivalent to basic local exchange service ***.” It is essential to the preservation of a competitively-neutral business environment that the costs imposed by H.B. 562 be spread as evenly and equitably as possible.

Concerning the question posed by the Commission as to whether the definition of advanced services and internet protocol-enabled services should include a citation to the applicable federal law and regulations, TWTC agrees with the definition as proposed by the Staff O.A.C. Rule 4901:1-6-24(B). The Staff draft is faithful to the language in H.B. 562. This blanket reference to “the meanings ascribed to them by federal law, including federal regulation” has the virtue of flexibility. Changes in, or addition to, the Code of Federal Regulations will not require any change to this rule, as drafted by Staff. Federal law and regulation, particularly with respect to these services, are in an unsettled state and may change from time to time. Further, there is no countervailing benefit to the inclusion of C.F.R.-specific citations in O.A.C. Rule 4901:1-6-24.

Conclusion

TWTC requests that the Commission adopt Staff’s proposed definition of advanced services as set forth in Rule 4901:1-6-24(B).

Respectfully submitted on behalf of
tw telecom of ohio llc



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Summary: Comments of tw telecom of ohio llc electronically filed by Teresa Orahod on behalf of tw telecom of ohio llc