

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)

**COMMENTS OF UNITED TELEPHONE COMPANY OF OHIO d/b/a EMBARQ
IN RESPONSE TO THE COMMISSION’S JULY 31, 2008 ENTRY**

United Telephone Company of Ohio d/b/a Embarq (“Embarq”) submits its comments in response to the Commission’s July 31, 2008 Entry (“Entry”), which proposed changes to Ohio Admin. Code § 4901:1-5-10 (“Revised Rule 10”).

Embarq fully supports Revised Rule 10 as written and attached to the Appendix in the Entry. Embarq agrees with the proposed rule for all of the reasons stated in the Entry -- those reasons being that the proposed rule provides competitive parity and avoids extensive and costly programming changes that would apply uniquely to ILECs. Embarq expressed concerns over Originally Adopted Rule 10 in the original review of MTSS rules.¹ As the Commission noted:

[w]e also recognize the policies of the state requiring the Commission to rely on market forces to support a healthy and sustainable, competitive telecommunications market; to recognize the continuing emergence of a competitive environment through flexible regulatory treatment; to consider the regulatory treatment of competing and functionally equivalent services in determining the scope of regulation; and to not unduly disadvantage providers of competing services. (Entry at 5.)

The proposed rule is in the public interest as it would avoid unnecessary and costly changes to numerous systems that would have been required to implement Rule 10 as originally adopted and therefore supports efficiencies for the company in providing the best services to the customer. Embarq stated in its March 9, 2007 Application for Rehearing:

¹ Embarq Comments dated September 8, 2006 at 13-14.

To implement this more restrictive disconnection for non-payment of services rule change, Embarq estimates: 1) a headcount increase of two will be required; 2) approximately 950 systems programming hours costing nearly \$50,000 are required; and 3) Embarq's bad debt will increase by more than 14%. (at 4)

As evidenced by the Ohio Telecom Association's ("OTA") Telecom Competition in Ohio Report, ILECs face robust and pervasive competition and are losing access lines to alternate providers and therefore must provide the best services and practices in order to retain customers. This proposed rule is a major step in the direction of competitive parity. Revised Rule 10 also supports the Governor's review of regulatory burdens experience by companies doing business in Ohio and a return to "Common Sense Business Regulation."

ILECs are the only telecommunications providers that are subject to the termination restrictions under Originally Adopted Rule 10. To maintain competitive parity, ILECs should have the freedom to terminate service as non-regulated competitors, who can terminate any or all services for non-payment of part of a bill.

For all the foregoing reasons, Embarq respectfully requests that the Commission approve and adopt the Revised Rule 10 as appended to its July 31, 2008 Entry.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon all parties on the attached service list, by ordinary U.S. Mail, postage prepaid, this 22nd day of August, 2008.

/s/ Joseph R. Stewart
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Summary: Comments of United Telephone Company of Ohio dba Embarq in response to the Commission's July, 31 2008 Entry electronically filed by Sonya I Summers on behalf of United Telephone Company of Ohio d/b/a Embarq