

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Review of the)	
Commission's Minimum Telephone Service)	Case No. 00-1265-TP-ORD
Standards Found in Chapter 4901:1-5 of the)	Case No. 05-1102-TP-ORD
Ohio Administrative Code.)	

**REPLY COMMENTS OF THE
OHIO CABLE TELECOMMUNICATIONS ASSOCIATION**

Pursuant to the July 31, 2008 Entry in these matters, the Ohio Cable Telecommunications Association ("the OCTA") submits these reply comments in consideration of the Staff's proposed revision of Rule 4901:1-5-10 "Service Termination" as set forth in the Appendix to the July 31, 2008 Entry. The OCTA, along with eight other parties, filed Initial Comments on August 22, 2008.

At page 3 of its Initial Comments, Cincinnati Bell Telephone Company ("CBT") suggests some clarifying changes to the new sentence proposed in Rule 10A. It points out that there are some features purchased *a la carte* (e.g., call waiting) and some per use services (e.g., directory assistance) that are used in combination with basic local exchange service that are available only because the customer has purchased basic local exchange services. CBT submits that these services should be treated the same as the bundle of services a customer may purchase at a single price. In effect, Cincinnati Bell proposes that the phrase "package" or "package price" be replaced with the word "bill". The OCTA has no objections to CBT's suggested change.

However, the OCTA opposes the position advanced in the Initial Comments of the Office of the Ohio Consumers' Counsel, et al. ("OCC") at pages 16-20. The OCC proposes not only to reject the amendment offered by the Staff, but alternatively offers an even more

restrictive rule which would require any local exchange carrier who offers a bundled service to refrain from disconnecting for non-payment of past due charges when a customer's partial payment is sufficient to cover only the local exchange carrier's tariff rate for basic local exchange service, regardless if the local exchange carrier offers stand-alone basic local exchange service or not. The OCC states at pages 16-18:

The major flaw in the PUCO staff's proposal is that it does not differentiate between regulated and unregulated services. Thus, under the PUCO staff's proposal, a customer who has been sold a service bundle that includes regulated telephone service as well as nonregulated services (e.g., broadband, cable television) would lose telephone service for non-payment of the entire package price. This would undo at least 20 years of Commission efforts to ensure that consumers cannot lose their local telephone service for nonpayment of nonregulated services. The proposal would also allow disconnection of local service for non-payment of toll charges, again contrary to years of Commission directives.

...

The PUCO staff's proposal would strip away the last vestige of consumer protections available to customers of service bundles.

...

Under the PUCO staff's proposal, Lifeline customers who subscribe to bundle service would be required to pay the price of the entire bundle, rather than the LEC's stand-alone basic service rate, in order to maintain telephone service.

OCC's argument must be rejected. No customers (including Lifeline customers) are being forced to purchase a bundle of services. Under proposed Rule 10, subscribers have choices – the choice to purchase stand-alone basic local exchange service or the choice to purchase basic local exchange service as part of a bundle of services. If a subscriber chooses the former, the failure to make full payment will subject the subscriber to disconnection of basic local exchange service. If the subscriber chooses the latter, then it has chosen to make a tradeoff.

The tradeoff is that the customer can typically buy the package of services at a discounted price when compared to purchasing each service separately, but risks being disconnected for all services if it fails to render full payment. Again, this is a choice that a customer is entitled to make. The Staff's proposed rule provides customers with more choices and opportunities to save money and should be approved. It is consistent with Section 4927.02 Revised Code. The OCC's alternative eliminates choices and should be rejected.

In conclusion, the Ohio Cable Telecommunications Association supports the Staff's proposed revision to Rule 4901:1-5-10 of the Ohio Administrative Code as set forth in the Appendix to the July 31, 2008 Entry and urges its adoption with or without the Cincinnati Bell suggested modification described above.

Respectfully submitted,

VORYS, SATER, SEYMOUR AND PEASE LLP

By: /s/
Stephen M. Howard (0022421)

52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
(614) 464-5410 (Telephone)
(614) 719-4772 (Facsimile)
smhoward@vorys.com

Attorneys for Ohio Cable
Telecommunications Association

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Reply Comments of the Ohio Cable Telecommunications Association were served on the following persons via e-mail where indicated or, by First Class U.S. Mail, postage prepaid, this 5th day of September, 2008.

Terry Etter
David C. Bergmann
Office of Ohio Consumers' Counsel
10 West Broad Street, 18th Floor
Columbus, Ohio 43215
etter@occ.state.oh.us
bergmann@occ.state.oh.us

Thomas E. Lodge
Carolyn S. Flahive
Thompson, Hine LLP
10 West Broad Street, Suite 700
Columbus, Ohio 43215-3435
tom.lodge@thompsonhine.com
carolyn.flahive@thompsonhine.com

Joseph R. Stewart
Embarq
50 West Broad Street, Suite 3600
Columbus, Ohio 43215
joseph.r.stewart@sprint.com

Jouett K. Brenzel
Evelyn W. King
Cincinnati Bell
221 East Fourth Street, 103-1280
Cincinnati, Ohio 45202
jouett.brenzel@cinbell.com

William S. Newcomb, Jr.
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
wsnewcomb@vorys.com

Cassandra Cole
1300 Columbus Sandusky Rd. N.
Marion, OH 43302

William Adams
Bailey Cavalieri LLC
10 W. Broad Street, Suite 2100
Columbus, OH 43215
william.adams@baileycavalieri.com

Sally W. Bloomfield
Tom O'Brien
Bricker & Eckler
100 South Third Street
Columbus, Ohio 43215
sbloomfield@bricker.com
tobrien@bricker.com

Jon F. Kelly
Mary R. Fenlon
AT&T Ohio
150 East Gay Street, Room 4-A
Columbus, Ohio 43215
mf1842@att.com
jtk2961@att.com

Douglas E. Hart
441 Vine Street, Suite 4192
Cincinnati, OH 45202
dhart@douglasshart.com

Connie Wightman
Technologies Management, Inc.
P. O. Drawer 200
Winter Park, FL 32790-0200

James F. Lang
Peter Rosato
Calfee, Halter & Griswold LLP
1100 Fifth Third Center, 21 E. State
Columbus, OH 43215-4228
prosato@calfee.com
jlang@calfee.com

Michael Smalz
Ohio State Legal Service Assoc.
555 Buttles Avenue
Columbus, OH 43215-1137
msmalz@iwaynet.com

Mary Cegelski
1411 St. James Avenue
Cleveland, OH 44135

Harold Madorski
601 Lakeside Avenue, Room 106
Cleveland, OH 44114-1077

Vicki Norris
Century Telephone Company of Ohio
17 South High Street, Suite 1250
Columbus, OH 43215

Mary Christensen
Christensen Christensen Donchatz Kettlewell
& Owens LLP
100 E. Campus View Blvd., Suite 360
Columbus, OH 43235
mchristensen@columbuslaw.org

Judith E. Matz
Ohio Telecommunications Assn.
17 South High Street, Suite 1250
Columbus, OH 43215

Ken Weaver
Revolution Communications Company Ltd.,
d/b/a 1-800-4-A-Phone
7900 John W. Carpenter Freeway
Dallas, TX 75247

George Huber
Choice One Communications
100 Chestnut Street, Suite 700
Rochester, NY 14604-2417

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

Joseph Meissner
1223 West Sixth Street
Cleveland, OH 44113
jpmessner@lasclev.org

Todd Colquitt
Verizon North, Inc.
100 Executive Drive
Marion, OH 43302

Kathy E. Hobbs
Alltel Ohio, Inc.
Fifth Third Center
21 East State Street
Columbus, OH 43215

Kerry Bruce
One Government Center
Suite 2250
Toledo, OH 43604
kerry.bruce@ci.toledo.oh.us

Lynda Gaston
Global Tel-link Corp.
2609 Cameron Street
Mobile, AL 36608

Barth Royer
Bell, Royer & Sanders Co., L.P.A.
33 South Grant Avenue
Columbus, OH 43215-3927
barth.royer@aol.com

Preston A. Meyer
Goldstar Communications, LLC
301 West South Street
New Knoxville, OH 45871

Chris J. Phillips
Kalida Telephone Company
121 East Main Street, P. O. Box 267
Kalida, OH 45853

Molly Wieser
Ohio Criminal Justice Program, American
Friends Service Committee
915 Salem Avenue
Dayton, OH 45406

Pamela H. Sherwood
Time Warner Telecom
4625 West 86th Street, Suite 500
Indianapolis, IN 46268

Ohio Small Local Exchange Carriers
1570 Fishinger Road
Columbus, OH 43221

Diane Peters
Global Crossing North American Networks
1080 Pittsford Victor Road
Pittsford, NY 14534

Chad Barringer
Statescape
1911 North Ft. Myer Drive, Suite. 702
Arlington, VA 22209

Daniel Meldazis
Focal Communications Corp. of Ohio
200 N. Lasalle Street, 11th Floor
Chicago, IL 60601

Linda Heckman
Glandorf Telephone Company
135 S. Main Street, P. O. Box 31
Glandorf, OH 45848-0031

David A. Ferris
Ferris & Ferris LLP
2733 West Dublin-Granville Road
Columbus, OH 43235
dferris@carrierlaw.com

Jouett Kinney
Cincinnati Bell Telephone
201 E. Fourth St., Box 2301
Cincinnati, OH 45201

Ellyn Crutcher
McLeod USA
121 S. 17th Street
Mattoon, IL 61938

Ron Bridges
AARP Ohio
17 S. High Street, Suite 800
Columbus, OH 43215-3467

Derrick Williamson
100 Pine Street, P.O. Box 1166
Harrisburg, PA 107108-1166

Susan Weinstock
AARP – State Legislation Dept.
601 E. Street, NW
Washington, DC 20049

Sheilah H. McAdams
Law Director
Marsh & McAdams
204 West Wayne Street
Maumee, OH 43537
sheilamca@aol.com

Richard C. Pfeiffer, Jr.
Columbus City Attorney
John C. Klein
Deputy City Attorney
109 N. Front Street
Columbus, OH 43215
jklein@columbus.gov

Peter D. Gwyn
City of Perrysburg
201 Louisiana Avenue
Perrysburg, OH 43551

Paul Skaff
Assistant Village Solicitor
Leatherman, Witzler, Dombey & Hart
353 Elm Street
Perrysburg, OH 43551
palskaff@justice.com

James E. Moan
Law Director
4930 Holland-Sylvania Road
Sylvania, OH 43560
jimmoan@hotmail.com

Lance M. Keiffer
Assistant Prosecuting Attorney
Lucas County
711 Adams Street, Second Floor
Toledo, OH 43624-1680
lkeiffer@co.lucas.oh.us

Daniel R. Conway
Porter, Wright, Morris & Arthur LLP
41 S. High Street
Columbus, OH 43215
dconway@porterwright.com

John W. Bentine
Chester Willcox & Saxbe
65 E. State St., Suite 1000
Columbus, OH 43215-4259
jbentine@cwslaw.com

/s/ _____
Stephen M. Howard

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/5/2008 2:20:27 PM

in

Case No(s). 05-1102-TP-ORD

Summary: Comments Reply Comments of the Ohio Cable Telecommunications Association electronically filed by Stephen M Howard on behalf of Ohio Cable Telecommunications Association