

BEFORE

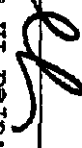
THE PUBLIC UTILITIES COMMISSION OF OHIO

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

ENTRY

The Commission finds:

- (1) On June 24, 2008, the governor of the state of Ohio signed into law House Bill 562, thereby enacting Section 4905.84, Revised Code. This section provides that the Commission shall, not earlier than January 1, 2009, impose on and collect from each service provider that is required under federal law to provide its customers access to telecommunications relay service (TRS) an annual assessment to pay for the costs incurred by the TRS provider for providing TRS in Ohio. Furthermore, Division (F) of Section 4905.84, Revised Code, provides that the Commission shall adopt rules under Section 111.15, Revised Code, to establish the assessment amounts and procedures.
- (2) By entry issued July 9, 2008, the Commission issued staff-proposed rules for comment. As proposed by staff, paragraphs (D)(1) through (D)(4) provided that the information used to determine the assessment amounts would be: annual reports for incumbent local exchange carriers (ILECs); Federal Communications Commission (FCC) form 477 for competitive local exchange carriers (CLECs); reports submitted in accordance with Section 4931.64, Revised Code, for commercial mobile radio service (CMRS) providers; and either FCC form 477 or a form prescribed by the Commission staff for all other providers.
- (3) By finding and order issued August 27, 2008, the Commission, after considering the staff proposal and the initial and reply comments filed in this docket, concluded that existing Rule 4901:1-6-01, Ohio Administrative Code (O.A.C.), should be amended and new Rule 4901:1-6-24, O.A.C., should be adopted, as attached to the order. Specifically, with regard to paragraph (D) of Rule 4901:1-6-24, O.A.C., the Commission

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agreed with the commenters that it would be optimal to utilize the same report in order to determine providers' access lines for purposes of the TRS assessment. Therefore, the Commission adopted the commenters suggestion that FCC form 477 be used to determine the assessment amount owed by each provider.

- (4) It has come to the Commission's attention that, in adopting the commenters' suggestion, we inadvertently removed language in the proposed rule which recognized that not all providers that are required to pay for the costs incurred for the provision of TRS in Ohio are required to file FCC form 477 with the FCC. Therefore, the Commission finds it necessary to revise amended paragraph (D) of Rule 4901:1-6-24, O.A.C., and adopt the staff's proposal that all providers that do not submit FCC form 477 shall submit to the Commission's staff a completed form, as prescribed by the staff, which contains the number of the provider's retail customer access lines or their equivalent. Accordingly, paragraph (D) of Rule 4901:1-6-24, O.A.C., shall be revised as set forth in the attachment to this entry.

It is, therefore,

ORDERED, That attached new Rule 4901:1-6-24, O.A.C., as revised by this entry, should be adopted and should be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission in accordance with divisions (D) and (E) of Section 111.15, Revised Code. It is, further,


ORDERED, That the final rule be effective on the earliest date permitted by law. Unless otherwise ordered by the Commission, the review date for Chapter 4901:1-6, O.A.C., shall be May 31, 2012. It is, further,

ORDERED, That a copy of this entry, with the revised attached rule, be served upon all telephone companies under the Commission's jurisdiction, all interested persons of record in Case No. 03-950-TP-COI, the Ohio Telecom Association, and all other interested persons of record.

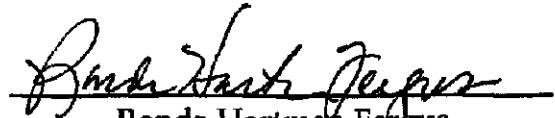
THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



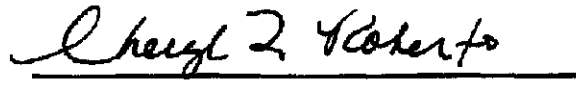
Paul A. Centolella



Ronda Hartman Fergus



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CMTP/vrm

Entered in the Journal

SEP 10 2008

Renee J. Jenkins
Secretary

***** DRAFT – NOT FOR FILING *****

4901:1-6-24

Telecommunication relay services assessment procedures.

- (A) This rule is limited to the commission's administration and enforcement of the assessment for the intrastate telecommunications relay service (TRS) in accordance with section 4905.84 of the Revised Code.
- (B) For the purpose of funding the TRS, the commission shall collect an assessment to pay for the costs incurred by the TRS provider for providing the service in Ohio, from each service provider that is required under federal law to provide its customers access to TRS, including telephone companies, commercial mobile radio service (CMRS) providers, and providers of advanced services or internet protocol-enabled services that are competitive with or functionally equivalent to voice-grade, end user access lines. Advanced services and internet protocol-enabled services have the meanings ascribed to them by federal law, including federal regulation.
- (C) Each service provider indentified in paragraph (B) of this rule shall be assessed according to a schedule established by the commission.
- (D) The commission staff shall allocate the assessment proportionately among the appropriate service providers using a competitively neutral formula. To determine the assessment amount owed by each provider the commission staff shall use the number of voice-grade, end user access lines, or their equivalent, as reflected in each provider's most recent federal communications commission (FCC) form 477 submitted to the commission staff. All local exchange carriers shall submit their FCC form 477 to the commission staff in accordance with rule 4901:1-7-27 of the Administrative Code. All other providers subject to the TRS assessment shall submit to the commission staff, on a semi-annual basis and at the same time it is filed with the FCC, the Ohio-specific relevant parts of their most recent FCC form 477 which contains the number of the voice-grade, end user access lines or their equivalent. All providers that do not submit FCC form 477 to the FCC, shall submit to the commission staff, on a semi-annual basis, a completed form, as prescribed by the commission staff, which contains the number of the provider's retail customer access lines or their equivalent.
- (E) Sixty days prior to the date each service provider is required to make its assessment payment in accordance with paragraph (C) of this rule, the commission staff shall notify each service provider of its proportionate share of the costs to compensate the TRS provider.
- (F) The commission staff shall annually reconcile the funds collected with the actual costs of providing TRS when it issues the assessment in accordance with paragraph (E) of this rule and shall either proportionately charge the service providers for any amounts not sufficient to cover the actual costs or proportionately credit amounts collected in excess of the actual costs.

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- (G) In accordance with division (C) of section 4905.84 of the Revised Code, each service provider that pays the assessment shall be permitted to recover the cost of the assessment. The method of the recovery may include, but is not limited to, a customer billing surcharge. Any telephone company, other than a CMRS provider, that proposes a customer billing surcharge or a change in the surcharge shall file a zero-day tariff application (ZTA) with the commission, in accordance with the application process rule 4901:1-6-06 of the Administrative Code. The ZTA will be subject to the approval time frames found in paragraph (B) of rule 4901:1-6-08 of the Administrative Code. Each regulated provider imposing a surcharge on its customers must provide notice to its customers a minimum of fifteen days prior to the effective date of the surcharge in accordance with paragraph (D) of rule 4901:1-6-16 of the Administrative Code..
- (H) In accordance with division (D) of section 4905.84 of the Revised Code, the commission shall take such measures as it considers necessary to protect the confidentiality of information provided pursuant to paragraph (D) of this rule.
- (I) The commission may direct the attorney general to bring an action for immediate injunction or other appropriate relief to enforce commission orders and to secure immediate compliance with this rule.