

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
Cincinnati Bell Telephone Company LLC)
For Waiver of Certain Minimum)
Telephone Service Standards)
Pursuant to Chapter 4901:1-5, Ohio)
Administrative Code.)

Case No. 08- 1124-TP-WVR

**APPLICATION OF CINCINNATI BELL TELEPHONE COMPANY LLC FOR
WAIVER OF MINIMUM TELEPHONE SERVICE STANDARD 4901:1-5-08**

Pursuant to Rule 4901:1-5-08(D), Ohio Administrative Code, Cincinnati Bell Telephone Company LLC (“CBT”) requests that the Commission grant it a waiver of certain Minimum Telephone Service Standards (“MTSS”), with respect to out of service conditions occurring as a result of recent wind damage. CBT seeks an additional forty-eight hour grace period to clear trouble reports as a result of the recent severe wind damage. This would apply to all trouble reports filed between September 14 and 19, 2008 in any of CBT’s Ohio exchanges.¹

On Sunday, September 14, 2008, a massive windstorm struck Ohio, resulting in hundreds of thousands of customers being without power and/or telephone service due to downed trees and poles, cables, drop lines and loss of commercial power. The breadth of the damage was unprecedented in Ohio and approached the devastation caused by hurricanes. As a result of the storm, Ohio utilities have been overwhelmed with trouble reports. Unlike other previous emergencies, such as tornadoes or floods, the damage has not been localized, but extends throughout CBT’s service area. Despite diligent efforts to promptly restore service, the extent of

¹ Bethany, Bethel, Cincinnati, Clermont, Harrison, Hamilton, Little Miami, Newtonsville, Reily, Seven Mile, Shandon, and Williamsburg.

the damage made it impossible to restore service as promptly as would have occurred under normal circumstances.

Commission MTSS Rule 4901:1-5-08(B)(5) and (6) requires that local exchange carriers repair out-of-service trouble reports within twenty-four hours of receipt of the report and service-affecting trouble reports within forty-eight hours of receipt of the report, excluding Sundays and holidays. If the LEC fails to comply with these requirements, it must issue credits, pursuant to MTSS Rule 4901:1-5-08(C)(1) and (2), of at least one-half months' regulated service charges for local service for failure to meet a repair commitment and one full month's regulated local service charges if the customer is out of service in excess of seventy-two hours.

MTSS Rule 4901:1-5-08(D) allows a LEC to obtain a grace period of an additional forty-eight hours in each exchange where a customer adjustment would otherwise accrue pursuant to Rule 4901:1-5-08(C) due to an extreme, unique, or unforeseeable weather-related incident. The grace period may be requested on an exchange basis by filing a request for waiver within ten business days of the weather-related incident. This Application is timely, as it is within ten business days of the September 14, 2008 storm.

MTSS Rule 4901:1-5-08(D) is satisfied when either: (a) there is at least a 300% increase in the number of out-of-service reports as compared to the three year average for the affected month; or (b) there is a declaration of a state of emergency by the governor or a duly authorized county official for the county in which the exchange is located. An exchange must have more than ten out-of-service reports in order to be eligible for the grace period.

MTSS Rule 4901:1-5-08(D) has been satisfied with respect to the September 14, 2008 windstorm. On September 15, 2008 Governor Ted Strickland issued a state of emergency for the

entire State of Ohio. See attached press release. In addition, Butler and Hamilton Counties have issued county level emergency declarations. *Id.*

For these reasons, CBT requests that it have an additional forty-eight hour grace period in which to clear trouble reports made between September 14 and 19, 2008 in all of its Ohio exchanges.

Respectfully submitted,

/s/ Douglas E. Hart
Douglas E. Hart (0005600)
441 Vine Street, Suite 4192
Cincinnati, OH 45202
(513) 621-6709
(513) 621-6981 fax
dhart@douglasshart.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/26/2008 10:44:32 AM

in

Case No(s). 08-1124-TP-WVR

Summary: Application of Cincinnati Bell Telephone Company LLC for Waiver of Minimum Telephone Service Standard 4901:1-5-08 electronically filed by Mr. Douglas E. Hart on behalf of CINCINNATI BELL TELEPHONE COMPANY