

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of tw telecom)	
of ohio llc,)	
)	
Complainant,)	
)	
v.)	Case No. 08-1215-TP-CSS
)	
AT&T Ohio,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On November 12, 2008, tw telecom of ohio llc (TWTC or complainant) filed a complaint and a request for expedited ruling against AT&T Ohio (AT&T or respondent) alleging that the respondent is in violation of its statutory, regulatory, and contractual duties by refusing to execute TWTC's proposed transit traffic amendment to the parties' interconnection agreement, which was approved in Case No. 02-911-TP-NAG. Specifically, TWTC asserts that, consistent with Rule 4901:1-7-13(D) and (E), Ohio Administrative Code (O.A.C.), the parties' existing interconnection agreement should be amended to reflect that it be allowed to pay tariffed switched access rates until such time as AT&T receives approval of total element long run incremental cost (TELRIC)-based transit traffic rates. In support of its position, TWTC contends that the adoption of Rule 4901:1-7-13(D), O.A.C., constitutes a regulatory modification that, consistent with the agreement's "Change of Law Provision," necessitates the appropriate interconnection agreement amendment.
- (2) On December 10, 2008, AT&T Ohio filed its answer in response to TWTC's complaint.
- (3) Pursuant to the attorney examiner's Entry of November 21, 2008, a prehearing conference was held on December 9, 2008, at the offices of the Commission. During this prehearing it was determined that a settlement in this matter was not possible.

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Due to the fact that the issue in dispute is limited to an interpretation of law, and does not involve a factual dispute it was decided that, in lieu of a formal evidentiary hearing, this case could presented before the Commission in the form of legal briefs.

- (4) Based on the prehearing discussions, the parties shall comply with the following schedule:

TWTC Brief- February 3, 2009

AT&T Ohio Brief- March 3, 2009

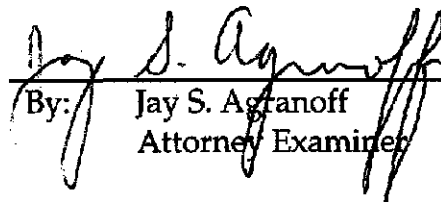
TWTC Reply Brief- March 20, 2009.

It is, therefore,

ORDERED, That the parties comply with the procedural schedule set forth in Finding (4). It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


 By: Jay S. Agranoff
 Attorney Examiner

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geb

Entered in the Journal

DEC 12 2008



Renee J. Jenkins
Secretary