

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of AT&T Ohio)	
For Waiver of Certain Minimum Telephone)	Case No. 09-42-TP-WVR
Service Standards Pursuant to Chapter 4901:1-5,)	
Ohio Administrative Code.)	

AT&T OHIO'S REPLY TO THE OHIO CONSUMERS' COUNSEL'S MEMORANDUM
CONTRA WHITE PAGES DIRECTORY WAIVER

AT&T Ohio, by and through counsel, hereby files its reply to the Office of the Ohio Consumers' Counsel's ("OCC") memorandum contra AT&T Ohio's waiver to cease its annual distribution of residential White Pages directories. The Commission should confirm its position on this positive initiative made in its Order approving Cincinnati Bell Telephone Company's ("CBT") application in Case No. 08-1197-TP-WVR on January 7, 2009, dismiss OCC's unavailing and redundant arguments and its related motion to intervene, and grant AT&T Ohio's waiver without modification.

OCC argues that all customers should still obtain printed copies of the residential White Pages directories. The Commission has already decided that issue in the CBT case.

It is interesting to note that OCC never states that the residential listing information is critical for customers to have in a printed manner. They cannot make that assertion, as it is not true. Instead, OCC argues that for "decades consumers have come to rely of a white pages directory for more than just telephone numbers. The white pages directory contains valuable

information – required by Rule 3 (C) – regarding how to contact the LEC for repair, billing and other purposes..." (OCC p. 8).

Obviously OCC is confused as to what AT&T Ohio is proposing. AT&T Ohio agrees that this "valuable" information, including Government listings, the Customer Bill of Rights and other Commission requirements, which are all part of the "Customer Guide," should be provided to customers. And that is why AT&T Ohio will provide a printed copy of this information – automatically and annually – to each customer as part of the business White Pages and AT&T Real Yellow Pages directory. In addition, this information will also be available on-line.

The OCC also argues that "customers must be adequately notified that they will no longer receive a printed white pages directory." (OCC p. 11). Here again, the OCC does not understand AT&T's proposal.

Included with every business White Pages and AT&T Real Yellow Pages directory that will – automatically and annually – be delivered to customers will be information on how a customer may obtain a printed copy of the residential White Pages directory free of charge. The information will be prominently affixed in the business White Pages and AT&T Real Yellow Pages directory utilizing "card stock." It will be placed near the front of the directory near the Customer Guide. This method is superior to the "broad-ranging customer notification campaign" that OCC urges, as this information will always be readily available to the customer. In addition, during the first delivery cycle, a "ride-along" containing the same information detailing the

directory options available to the customer will be delivered with the printed business White Pages and AT&T Real Yellow Pages directory.

OCC's claims that such ride-along "inserts may fall out of the directory even before customers receive the directory, or may easily be discarded by customers as junk mail" are utterly without merit. (OCC p. 12). First, AT&T Ohio delivers its directories in plastic bags which effectively prevents the ride-along from "falling" out. Second, even if the ride-along falls out, is misplaced or is discarded by the customer, the information will still be affixed to the business White Pages and AT&T Real Yellow Pages directory that are – automatically and annually – delivered to customers.

OCC goes far beyond the Commission's service standards and proposes additional conditions to be placed on AT&T Ohio's request that are unnecessary given the Commission's approval of the CBT waiver and the approach that AT&T Ohio is proposing. For example, OCC proposes a two-year (or longer) delay before allowing relief in the automatic delivery of residential White Pages directories. But, the Commission did not impose that requirement in approving CBT's waiver.¹ The OCC also argues that AT&T Ohio should be required to "ship printed directories so that they arrive to the requesting customer within seven days of the request." (OCC p. 2.) Such a requirement serves no purpose, as the directories will be shipped – free of charge – and upon customer request as indicated on the "card stock" that will be affixed

¹ It should be noted that if an ILEC chose to provide free Directory Assistance in lieu of a printed directory, the Commission Rule 3(B) does not require any delay in ceasing the annual delivery of residential White Pages directory.

to the business White Pages and AT&T Real Yellow Pages directory that will be – automatically and annually – delivered to customers.

Thus, OCC's proposed conditions are unreasonable and uncalled for in the ever changing telecommunications environment. OCC's attempt to undermine the Commission's detailed review of these issues now in AT&T Ohio's application is unwarranted and should be rejected.

OCC also argues that AT&T Ohio "produced no data to support its claim..." that there is diminished use of the printed directories. (OCC p. 9). Further, as AT&T Ohio is the largest ILEC in Ohio, OCC believes many customers would be impacted if the Commission approved AT&T Ohio's waiver. (OCC p. 10).

But the facts speak for themselves. Indeed, OCC conveniently ignores what AT&T Ohio pointed out in its waiver request, that there are more numbers not printed in the directories than are printed in the directories: 60% of the numbers in Ohio are wireless and very few of those are listed in the directories. This clearly shows that customers are less reliant on residential White Pages directories.

OCC also argues that "there are special concerns about new customers, who would not receive the proposed AT&T Real Yellow pages insert..." (OCC p. 13). There are no concerns, as such new customers will automatically receive the business White Pages and AT&T Real Yellow Pages directories which will include not only the Customer Guide, but also the affixed

"card stock" that contains information on how the customers may obtain – free of charge – a copy of the residential White Pages directory.

OCC's opposition to and proposed conditions on AT&T Ohio's waiver request are unavailing and utterly unreasonable. The Commission should reject OCC's memorandum contra and its motion to intervene and grant AT&T Ohio's waiver without modification.

Respectfully submitted,

AT&T OHIO

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Certificate of Service

I hereby certify that a copy of the foregoing has been served by e-mail this 6th day of February, 2009 on:

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Summary: Reply to the Ohio Consumers' Counsel's Memorandum Contra White Pages
Directory Waiver electronically filed by Jon F Kelly on behalf of AT&T Ohio