

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

FINDING AND ORDER

The Commission finds:

- (1) On January 20, 2009, the applicant, AT&T Ohio, a local exchange company (LEC), filed an application by which it seeks a waiver of Rule 4901:1-5-03(B), Ohio Administrative Code (O.A.C.), which is the provision of the Commission's minimum telephone service standards (MTSS) that pertains to the manner in which LECs are to supply directories to their customers. Rule 4901:1-5-03(B), O.A.C., which will be referred to in this finding and order as MTSS Rule 3(B), reads:
 - (B) Local exchange companies (LECs) shall annually supply their customers with directory information through one of the following means:
 - (1) A printed directory(ies) that must include, at a minimum, all published telephone numbers in current use within the ILEC local calling area. Upon a customer's request, each LEC shall provide, free of charge, an applicable directory(ies) for all exchanges which are within the ILEC local calling area, including any exchanges that are within the local calling area as a result of extended area service. The printed directory shall be provided free of charge to customers. LECs may give customers the option to request an electronic directory, where available, but if they make this option available, LECs must, in this instance, provide the electronic directory at no charge.

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- (2) Free directory assistance for all published telephone numbers in current use within the ILEC local calling area. In addition, the LEC shall include on its web site the printed information required by paragraph (C) of Rule 4901:1-5-03 of the Administrative Code. An annual notice shall also inform customers that, in lieu of a printed directory, they will be provided free directory assistance for all telephone numbers in current use within their local calling area.

Thus, the rule provision from which AT&T Ohio seeks a waiver currently requires that LECs supply their customers with directory information through one of two means: either through a printed directory, or through free directory assistance.

- (2) Through this application, AT&T Ohio seeks to have the flexibility of making an electronic directory an acceptable option for delivering residential white pages directory listings, thus eliminating the automatic delivery of printed residential white pages directories to AT&T Ohio customers. According to AT&T Ohio, the Commission recently granted similar relief to Cincinnati Bell Telephone Company LLC (CBT) in a finding and order adopted on January 7, 2009, in Case No. 08-1197-TP-WVR (*In the Matter of the Application of Cincinnati Bell Telephone Company LLC for Waiver of Certain Minimum Telephone Service Standards as set Forth in Chapter 4901:1-5, Ohio Administrative Code*). The applicant explains that, while AT&T Ohio's waiver request differs from CBT's in some respects, the policy and practical reasons underlying the request are the same.
- (3) AT&T Ohio claims that customers have become less reliant on, and have less interest in, white pages directories for a number of reasons. First, AT&T Ohio submits that the movement from wireline to wireless services as well as a high demand for privacy with consumers requesting non-published numbers has contributed to the decreasing number of residential white pages listings. Citing to statistics from the Federal Communications Commission, AT&T Ohio asserts that today over sixty percent of the telephone numbers in Ohio are wireless and thus are not published in the white pages directory. Further, AT&T Ohio claims that many customers seek to access listing information by using

electronic devices in order to retrieve information from their homes, businesses, and remote locations. Also, without question states AT&T Ohio, many customers today favor environmentally friendly alternatives.

- (4) Under its proposal, AT&T Ohio states that customers will have access to an electronic version of the residential white pages directory that is free to anyone over the internet and which contains features superior to the printed directory. According to the applicant, AT&T Ohio's user-friendly directory website, www.RealPagesLive.com, provides directory information in the traditional directory format which has the same look and feel of the printed directory but with capabilities simply not possible using a printed version. Customers will be able to access their local directory from any location where they can establish an internet connection, even over cell phones and Personal Digital Assistants (PDAs). Moreover, AT&T Ohio asserts, business websites listed in the printed directory become hot links to the actual business websites in the electronic directory and font size can be easily adjusted to meet the needs and preferences of each customer. Further, according to AT&T Ohio, all of the existing directory information is located on this site, including residential white pages listings, business white pages listings, government listings, and the Customer Guide, which contains the Customer Bill of Rights and other information required by MTSS Rule 3(B).

AT&T Ohio submits that this website also includes access to the AT&T Real Yellow Pages, and by June 2009, every AT&T directory published throughout the twenty-one states AT&T serves will be available on this site. In order to ensure that customers continue to receive some of the most important information currently included in the printed residential white pages directory, AT&T Ohio proposes to distribute the Customer Guide information and the business white pages with the printed AT&T Real Yellow Pages directory which will continue to be published and distributed by its affiliate to every customer.

- (5) AT&T Ohio recognizes that some customers will continue to have a preference for printed residential white pages listing information; therefore, the company will continue to make this option readily available to customers. By simply calling a toll free telephone number, AT&T Ohio submits, these customers will be able to

request a printed copy of the residential white pages shipped to them at no charge and without any shipping or handling fees. In addition to the two options already discussed, AT&T Ohio will offer two other alternatives to customers. First, through an AT&T website www.YELLOWPAGES.COM, the public may request electronic business and residential white pages listings from anywhere in the country. Second, AT&T Ohio will also publish the Cleveland and Columbus directories on CD-ROMs. These CD-ROMs will contain the same directory content that can be found in the printed directories and on www.RealPagesLive.com. The CD-ROMs will be readily available at no charge and without shipping or handling fees through the same toll free telephone number that will be used to request a printed copy of the residential white pages directory.

- (6) In order to ensure that customers are aware of the directory delivery changes, a full page informational notice will be prominently placed in the front section of the printed directory containing the Customer Guide, the business white pages, and the AT&T Real Yellow Pages that will continue to be delivered annually to customers should this waiver be granted. This page of information will describe all of the alternatives for acquiring residential directory information, including how to access free listings at www.RealPagesLive.com and how to obtain a free printed copy of the residential white pages listings, a free copy of the CD-Rom (in Columbus and Cleveland), and the toll free telephone number to use to order that information. In addition, AT&T Ohio states that a "ride-along" card or letter containing the same information detailing the directory options available to the customer will be delivered with the printed AT&T Real Yellow Pages during the first delivery cycle associated with directories for which electronic alternatives are replacing delivery of printed residential white pages listings. For these reasons, AT&T Ohio requests that the Commission grant it a waiver from Rule 4901:1-5-03(B), O.A.C.
- (7) On February 4, 2009, the Office of the Ohio Consumers' Counsel (OCC) filed a motion to intervene and a memorandum contra AT&T Ohio's application for waiver. AT&T Ohio filed a reply to OCC's memorandum contra on February 6, 2009. OCC's motion to intervene is granted.

- (8) In support of its memorandum contra, OCC submits that the Commission should deny the waiver request in order to review whether AT&T Ohio's proposal is justified. OCC asserts that the white pages directory contains valuable information such as how to contact the company for repair, billing, and other purposes, and provides customers with quick access to emergency and non-emergency information. Making such information available only through the company's website and in its printed yellow pages is an inadequate substitute, argues OCC. AT&T Ohio believes that OCC misunderstands what the company is proposing. AT&T Ohio agrees that this valuable information, including government listings, the telephone customer bill of rights, and other information that is a part of the "Customer Guide," should be provided to customers. That is why AT&T Ohio will continue to provide a printed copy of this information automatically and annually to each customer as part of the business White Pages located in the front of the AT&T Real Yellow Pages directory. In addition, AT&T Ohio submits, this information will be fully available on-line.

If the Commission grants AT&T Ohio's waiver request, OCC asserts that customers must be adequately notified that they will no longer automatically receive a printed white pages directory. OCC claims that a multimedia customer notification campaign similar to what the Commission approved in the CBT order is essential to protecting consumers' interests. AT&T Ohio responds that prominently affixing information near the front of the AT&T Real Yellow Pages directory on how a customer may obtain a printed copy of the residential White Pages directory free of charge is superior to the broad ranging customer notification campaign OCC urges.

As for new customers, OCC recommends that the Commission require AT&T Ohio to notify new customers, at the time of enrollment, that they may have a printed directory delivered to them free of charge. Further, OCC urges the Commission to require AT&T Ohio to provide to all new customers a verbatim printing of the telephone customer rights and responsibilities, possibly in the welcome letter the customer receives from the company. AT&T Ohio responds that all new customers will automatically receive the AT&T Real Yellow Pages directory 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.

- (9) Upon review, the Commission finds that, for the following reasons, AT&T Ohio has adequately demonstrated sufficient reason for granting its waiver application. First, AT&T Ohio will make directory listing available through a variety of methods. AT&T Ohio will make directory listings available through www.RealPagesLive.com, which will have the same familiar format customers are accustomed to, through an AT&T website www.YELLOWPAGES.COM, and through a free copy of the CD-Rom which is currently available for Columbus and Cleveland telephone numbers. In addition, AT&T Ohio will continue to make printed residential white pages available to customers free of charge by the customer contacting a toll free telephone number. AT&T Ohio has committed that there will be no shipping or handling charges incurred by the customer for requesting and receiving a printed residential directory through this method. In addition, although the company did not seek this method of directory distribution, we would find it acceptable, similar to the relief granted CBT on January 7, 2009, in Case No. 08-1197-TP-WVR, for the company to make copies of the residential white pages directory available for pick-up by customers at AT&T retail stores or through other retail outlets or public venues that customers might likely visit on a more frequent basis, such as grocery stores, banks, or pharmacies.

In order to ensure that customers continue to receive some of the most important information currently included in the printed residential white pages directory, AT&T Ohio proposes, and we condition our approval of this application upon, the company distributing the Customer Guide information, including a verbatim printing of the telephone customer rights and responsibilities as set forth in the Appendix to Rule 4901:1-5-03, O.A.C., and the business white pages with the printed AT&T Real Yellow Pages directory which will continue to be published and distributed by its affiliate to every customer.

In order to ensure that customers are aware of the directory delivery changes, the company proposes, and we condition our approval of this application on, AT&T Ohio prominently placing a full-page informational notice in the front section of the printed directory containing the Customer Guide, the business white pages, and the AT&T Real Yellow Pages that will continue to be delivered

annually to customers. This page of information must describe all of the alternatives for acquiring residential directory information, including how to access free listings at www.RealPagesLive.com and how to obtain a free printed copy of the residential white pages listings, a free copy of the CD-Rom (in Columbus and Cleveland), and the toll free telephone number to use to order that information. In addition, AT&T Ohio proposes that a "ride-along" card or letter containing the same information detailing the directory options available to the customer will be delivered with the printed AT&T Real Yellow Pages during the first delivery cycle associated with directories for which electronic alternatives are replacing delivery of printed residential white pages listings. We further condition our approval of this waiver on AT&T Ohio affixing the "ride-along" card or letter to the front of the printed AT&T Real Yellow Pages during the first delivery cycle for which electronic alternatives are replacing delivery of printed residential white pages listings. As for new customers, AT&T Ohio should ensure that new customers, as part of the welcome letter or otherwise, are provided with the directory options information contained on the ride-along card in addition to including such information in the AT&T Real Yellow Pages directory.

It is, therefore,

ORDERED, That OCC's motion to intervene is granted in accordance with finding 7. It is, further,

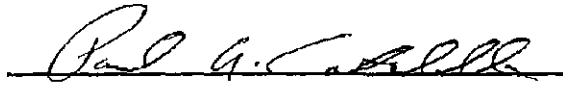
ORDERED, That in accordance with the above findings, AT&T Ohio's application for waiver for Rule 4901:1-5-03(B), O.A.C., submitted on January 20, 2009, is granted subject to all of the conditions set forth in finding 9. It is, further,

ORDERED, That a copy of this finding and order be served upon AT&T Ohio and OCC, as well as all other parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



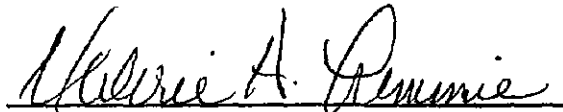
Alan R. Schriber, Chairman



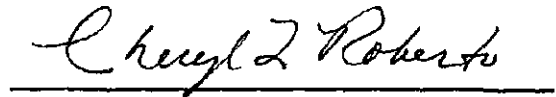
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