

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of NuVox |) | |
| Communications Company of Ohio, Inc. for a |) | |
| Waiver of Certain Minimum Telephone Service |) | |
| Standards as set Forth in Chapter 4901:1-5, Ohio |) | Case No. 09-158-TP-WVR |
| Administrative Code. |) | |

**APPLICATION OF NUVOX COMMUNICATIONS OF OHIO, INC. FOR
A WAIVER OF MINIMUM TELEPHONE SERVICE STANDARD 4901:1-5-03(B)**

Pursuant Ohio Administrative Code ("O.A.C.") Rule 4901:5-03(B)(1), NuVox Communications of Ohio, Inc. ("NuVox") hereby requests that the Public Utilities Commission of Ohio ("Commission") grant a waiver of the Minimum Telephone Service Standard ("MTSS") Rule 4901:1-5-03(B)(1) concerning the distribution of printed directories. The reasons for the waiver are set forth in the attached Memorandum in Support.

MEMORANDUM IN SUPPORT

On January 29, 2009, AT&T Ohio filed an Application in Case No. 09-42-TP-WVR for a Waiver of Minimum Telephone Service Standard ("MTSS") 4901:1-5-03(B)(1) wherein AT&T Ohio requested authority to have the flexibility of providing access to electronic directories as an acceptable option for delivering residential white pages directory listings, thereby eliminating the need for automatic delivery of printed white pages directories to all AT&T Ohio customers. By

order dated February 11, 2009, the Commission granted AT&T Ohio's request subject to the conditions set forth in the order.

NuVox is authorized to provide local exchange telecommunication services in AT&T Ohio's territory. NuVox relies exclusively on AT&T Ohio for delivery of the white pages directories to its customers within the AT&T Ohio service territory. NuVox's interconnection agreement¹ with AT&T Ohio governs the terms and conditions of the directory services that AT&T provides to NuVox. Pursuant to the terms of its interconnection agreement with AT&T Ohio, NuVox received from AT&T Ohio Accessible Letter No. CLECAM09-038, dated February 25, 2009. The Accessible Letter notified NuVox that AT&T is no longer providing copies of its residential white pages directory in the Cleveland and Columbus directory markets, under terms consistent with the waiver that was granted to AT&T Ohio by the Commission in Case No. 09-42-TP-WVR. The Accessible Letter indicates that additional directory markets will be identified in future accessible letters. A copy of this Accessible Letter is attached hereto.

NuVox cannot comply with MTSS 4901:1-5-03(B)(1) without the delivery of AT&T Ohio's residential white pages directory. In order to remain in compliance with MTSS 4901:1-5-03(B), and as a direct consequence of the Commission's grant of AT&T Ohio's requested waiver, NuVox now seeks a similar waiver.

The Commission has recognized "me too waivers" (such as this one). *See Amendment of Minimum Telephone Service Standards*, Case No. 00-1265-TP-ORD (*Entry* dated February 4, 2004). In this entry the Commission granted SBC Ohio's (k/n/a AT&T Ohio) request for "a me too" waiver allowing AT&T Ohio to eliminate listing toll call detail from its bills for those

¹ The agreement between NuVox (f/k/a Gabriel Communications of Ohio, Inc.) and AT&T Ohio is dated February 23, 2000 and filed in Case No. 00-369-TP- NAG.

customers who subscribe to unlimited flat rate toll calling plans. Furthermore, the Commission granted a similar waiver for all interexchange carriers and local exchange carriers whose customers subscribe to a flat rate unlimited calling plan.

The same considerations that form the basis of Commission's decision in Case No. 09-42-TP-WVR are fully applicable to NuVox as well. For this reason, the Commission should grant NuVox's request.

WHEREFORE, NuVox requests that the Commission grant NuVox Communications of Ohio, Inc. a waiver of MTSS Rule 5-03(B)(1), consistent with the waiver granted to AT&T Ohio in Case No. 09-42-TP-WVR.

Respectfully submitted on behalf of,
NuVox Communications of Ohio, Inc.



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Accessible

Date: **February 25, 2009**

Number: **CLECAM09-038**

Effective Date: **Immediately**

Category: **Other**

Subject: **(DIRECTORY ASSISTANCE/DIRECTORY LISTING ISSUES) White Pages Consumer Choice - OH**

Related Letters: **NA**

Attachment: **NA**

States Impacted: **Ohio**

Response Deadline: **NA**

Contact: **Account Manager**

Conference Call/Meeting: **NA**

AT&T Ohio is committed to making positive changes that meet and exceed customers' needs.

As always, your customers will be provided with the same directory products and services that are provided to all other customers. In the directory markets identified below, customers will continue to receive the printed Yellow Pages, business white pages and customer guides. Information on the customers' options for accessing free residential white pages listings will be prominently placed on these directories. These options include viewing the listings online at either www.RealPagesLive.com or www.Yellowpages.com, or requesting a free printed copy of the residential white pages by calling the toll-free number provided in the information. It is a pleasure to provide all directory users with a choice as to how they access residential white pages listings.

Following is a list of markets for which yellow, business white and customer guide pages will be delivered in 2009. Additional Accessible Letters will be issued as future markets are identified where residential white page listings will not be delivered without end user request.

Directory Market:

Cleveland, OH
Columbus, OH

AT&T Ohio reserves the right to make any modifications to or to cancel the above information prior to the proposed effective date. Should any modifications be made to the information, these modifications will be reflected in a subsequent letter. AT&T Ohio will incur no liability to the CLECs if such information, mentioned above, is cancelled, modified, or not put into effect.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

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in

Case No(s). 09-0158-TP-WVR

Summary: Application of NuVox Communications Company of Ohio, Inc. for a Waiver of Certain Minimum Telephone Service Standards as set Forth in Chapter 4901:1-5 Ohio Administrative Code electronically filed by Teresa Orahod on behalf of NuVox Communications of Ohio