

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

In the Matter of the Application of Buckeye)
Telesystem, Inc. for a Waiver of Certain) Case No. 09-370-TP-WVR
Minimum Telephone Service Standards as set)
Forth in Chapter 4901:1-5, Ohio)
Administrative Code)
)

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

Pursuant to Ohio Administrative Code ("O.A.C.") Rule 4901:5-03(B)(1), Buckeye Telesystem, Inc. ("Buckeye") 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

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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.

Pursuant to Certificate No. 90-9037 which was issued in Case No. 97-795-TP-ACE, Buckeye is authorized to provide local exchange telecommunication services in AT&T Ohio's territory. Buckeye relies exclusively on AT&T Ohio for delivery of the white pages directories to its customers within the AT&T Ohio service territory. Buckeye's interconnection agreement¹ with AT&T Ohio governs the terms and conditions of the directory services that AT&T provides to Buckeye. Pursuant to the terms of its interconnection agreement with AT&T Ohio, Buckeye received from AT&T Ohio Accessible Letter No. CLECAM09-038, dated February 25, 2009. The Accessible Letter notified Buckeye 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 markets will be identified in future accessible letters. A copy of this Accessible Letter is attached hereto.

Buckeye operates in the Toledo market, not the Cleveland and Columbus markets. However, Buckeye believes that if AT&T Ohio intended this letter to apply to Toledo markets, Buckeye needs to be prepared to seek a "Me Too" waiver.

Buckeye 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

¹ The agreement between Buckeye and AT&T Ohio is dated October 5, 2001 and filed in Case No. 01-2707-TP-NAG.

4901:1-5-03(B)(1), and as a direct consequence of the Commission's grant of AT&T Ohio's requested waiver, Buckeye now seeks a similar waiver.

The Commission has recently recognized "Me Too waivers" (such as this one).

In re: Sage Telecom, Inc., PUCO Case No. 09-156-TP-WVR, et al., Entry, April 15, 2009.

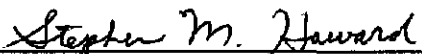
The same considerations that form the basis of the Commission's decisions in Case No. 09-42-TP-WVR and in Case No. 09-156-TP-WVR, et al. are fully applicable to Buckeye as well.

Buckeye also operates in exchanges in which the incumbent local exchange carrier is Verizon North and Embarq. While neither of these two incumbent local exchange carriers have sought a waiver from Rule 4901:1-5-03(B)(1) of the OAC, Buckeye seeks a "blanket Me Too" waiver in the event that Verizon North and/or Embarq subsequently seek such a waiver. Should the Commission grant the "blanket Me Too" waiver, Buckeye will continue to require that its customers in the exchanges served by Verizon North and/or Embarq receive printed white pages directories annually as is required by the Rule. Should the Commission grant a waiver sought by Verizon North and/or Embarq which contains conditions which are significantly different than those set forth in Case No. 09-42-TP-WVR, Buckeye agrees to seek an additional waiver. But if the Commission grants waivers to Verizon North and/or Embarq containing similar conditions as those set forth in Case No. 09-42-TP-WVR, then administrative convenience will be served by the Commission's grant of Buckeye's request for a "blanket Me Too" waiver at this time.

For these reasons, the Commission should grant Buckeye's request.

WHEREFORE, Buckeye Telesystem, Inc. requests that the Commission grant it 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,


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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.