

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of ACN)	
Communication Services, Inc. for a Waiver of)	
Certain Minimum Telephone Service Standards as)	Case No. 09-395-TP-WVR
set Forth in Chapter 4901:1-5, Ohio)	
Administrative Code.		

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

Pursuant to Ohio Administrative Code ("O.A.C.") Rule 4901:1-5-03(B), ACN Communication Services, Inc. ("ACN" or "Applicant") hereby requests that the Public Utilities Commission of Ohio ("Commission") grant a waiver of the Minimum Telephone Service Standard Rule 4901:1-5-03(B)(1) ("MTSS Rule 03(B)(1)") concerning the distribution of printed directories to local exchange customers. The reasons for this waiver are set forth in the Memorandum in Support below.

MEMORANDUM IN SUPPORT

MTSS Rule 03(B)(1) currently requires local exchange carriers, including competitive local exchange carriers, to annually supply customers with directory information through one of two means: either a printed directory, or through free directory assistance.

On January 29, 2009, AT&T Ohio filed an Application in Case No. 09-42-TP-WVR for a Waiver of MTSS Rule 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.

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

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

By entry dated April 15, 2009, the Commission granted the same waiver to Sage Telecom, Inc. (Case No. 09-156-TP-WVR); tw telecom of ohio llc (Case No. 09-157-TP-WVR); NuVox Communications of Ohio, Inc. (Case No. 09-158-TP-WVR), Nexus Communications,

¹ The agreement between ACN and AT&T Ohio is dated November 12, 2002 and filed in Case No. 02-2960-TP-NAG.

Inc. d/b/a TSI (Case No. 09-159-TP-WVR), LDMI Telecommunications d/b/a Cavalier Telephone d/b/a Cavalier Business Communications d/b/a Cavalier Telephone & TV (Case No. 09-160-TP-WVR) and First Communications, LLC and GCI Globalcom, Inc. d/b/a First Communications (Case No. 09-284-TP-WVR) as was granted to AT&T Ohio through the AT&T Ohio Order. The above-mentioned companies each stated that reliance to date on AT&T Ohio for delivery of white pages directories to customers within AT&T Ohio's service territory and the Accessible Letter notification that directories will no longer be provided in the Cleveland and Columbus markets (at this time) will cause each company to not comply with the MTSS Rule.

Therefore, ACN states that in order to remain compliant, and as a direct consequence of the Commission Order granting AT&T Ohio's waiver request, this "Me Too" waiver, identical in scope to that granted by AT&T Ohio, be granted.

The same considerations that form the basis of the Commission's decision in Case No. 09-42-TP-WVR and Case No. 09-156-TP-WVR, *et al*, are fully applicable to ACN as well. For this reason, the Commission should grant ACN's request.

WHEREFORE, ACN requests that the Commission grant ACN Communication Services, 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 and Case No. 09-156-TP-WVR, *et al*.

Respectfully submitted on behalf of,
ACN Communication Services, Inc.



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Summary: Motion of ACN Communication Services, Inc. for a Waiver electronically filed by
Teresa Orahod on behalf of ACN Communication Services, Inc.