

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of AT&T)
 Ohio for Approval of an Alternative Form of)
 Regulation of Basic Local Exchange Service) Case No. 09-494-TP-BLS
 and Other Tier 1 Services Pursuant to)
 Chapter 4901:1-4, Ohio Administrative Code.)

ENTRY

The attorney examiner finds:

- (1) On June 12, 2009, AT&T Ohio (AT&T) filed its basic local exchange service (BLES) application pursuant to Section 4927.03, Revised Code and Rule 4901:1-4-09, Ohio Administrative Code (O.A.C.). Pursuant to its application, AT&T seeks approval of an alternative form of BLES and other Tier 1 services in the following 16 exchanges: Aberdeen, Arabia, Bowersville, Clarington, Corning, Duffy, Gnadenhutten, Murray City, New Holland, New Matamoras, Newport, Sedalia, Somerton, Sugar Grove, Sugar Tree Ridge, and Woodsfield. In support of its application, AT&T proposes a company-specific alternative competitive market test in accordance with Rule 4901:1-4-10(C), O.A.C.
- (2) Concurrent with filing of its application, AT&T filed a motion for a protective order pursuant to Rules 4901-1-24 and 4901:1-4-09(E), O.A.C. The motion for a protective order states that the information for which the confidential information is sought consists of competitive local exchange company (CLEC)-specific information relative to the competitors' presence and services in the telephone exchanges identified in the BLES application. In support of the motion, AT&T states that nondisclosure of the identified information will not impair the purposes of Title 49, Revised Code, and that the Commission and its staff will still have full access to the information in order to review the competitive showings addressed in the application.
- (3) The motion for a protective order is reasonable and should be granted.

- (4) On June 15, 2009, the office of the Ohio Consumers' Counsel (OCC) filed a motion to intervene in this proceeding. In its motion, OCC asserts that it is the state agency that represents Ohio's residential utility consumers and that it seeks intervention to protect the interests of all of AT&T's approximately 1,431,000 residential customers. OCC adds that it satisfies the intervention standard in Section 4903.221, Revised Code, because AT&T's proposed rate increases may adversely affect residential telephone customers. OCC also asserts that its role as a residential utility consumer advocate complies with the standards set forth in Rule 4901-1-11(A), O.A.C., which require that a party must have a real and substantial interest in a proceeding to intervene.
- (5) OCC's motion to intervene is reasonable and should be granted. As an intervenor, OCC is reminded that it must act in accordance with the rules set forth in Case No. 06-1305-TP-ORD, *In the Matter of the Application of the Implementation of H.B. 218 Concerning Alternative Regulation of Basic Local Exchange Service of Incumbent Local Exchange Telephone Companies*.
- (6) Regarding the issue of discovery, under Rule 4901:1-4-09(I), O.A.C., all parties should electronically serve their discovery requests, and all discovery responses should be electronically served within ten days of initially being served with the discovery request. The last date for serving a discovery request is August 10, 2009.
- (7) Objections to this application must be filed on or before August 21, 2009. To the extent that AT&T desires to file a memorandum contra to objections filed in response to its application, such filing should be made within ten days of the objection. Any objecting party may file a reply within five days of the memorandum contra.
- (8) Finally, consistent with Rule 4901:1-4-09(H), O.A.C., an application containing an alternative market test is not subject to the automatic time frames set forth in Rule 4901:1-4-09(G), O.A.C.

It is, therefore,

ORDERED, That the motion for a protective order is granted in accordance with Finding (3). It is, further,

ORDERED, That OCC's motion for intervention is granted in accordance with Finding (5). It is, further,

ORDERED, That the docketing division should maintain for 18 months from the date of this entry, all documents that are currently under seal in this proceeding. It is, further,

ORDERED, That the discovery and procedural filing schedule proceed in accordance with Findings (6) and (7). It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: Jay S. Agranoff
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Attorney Examiner

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Entered in the Journal

JUL 08 2009

Renee J. Jenkins

Renee J. Jenkins
Secretary