

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of the Ohio )  
Telecom Association, on Behalf of its )  
Members, for an Order Granting a Waiver ) Case No. 09-586-TP-WVR  
of Rule 4901:1-7-27, Ohio Administrative )  
Code. )

ENTRY

The Commission finds:

- (1) On July 13, 2009, the Ohio Telecom Association (OTA), for and on behalf of its members, filed an application in this case seeking to have the Commission issue an order granting a permanent waiver that would relieve all OTA member local exchange carriers (LECs) in Ohio, and their affected affiliates, from the obligations of Rule 4901:1-7-27, Ohio Administrative Code (O.A.C.). The OTA alleges that, due to recent changes in reporting requirements at the federal level, the Ohio rule from which waiver is sought is no longer necessary and has become an undue burden on Ohio's LECs.
- (2) Rule 4901:1-7-27, O.A.C., requires that all LECs that must report market information to the Federal Communications Commission (FCC), semi-annually, using FCC Form 477, must also at the same time and in the same format submit to the staff of the Public Utilities Commission of Ohio the Ohio data reported.
- (3) The OTA submits that, since the time of the involved Ohio rule's promulgation, the FCC has "changed the reporting technology of form 477 to an electronic format that is not electronically downloadable to the Commission staff by the LECs." As a result, says the OTA, for the last reporting period (March 2009), LECs were required to "implement workarounds" to meet the obligations of Rule 4901:1-7-27, O.A.C.
- (4) In support of its application for permanent waiver, the OTA submits that the Commission's staff is now authorized to and does receive FCC Form 477 data directly from the FCC. As a result, submission of the same data by the LECs, merely for the

purpose of achieving compliance with the involved Ohio rule, would be redundant. On the other hand, even if the requested waiver is granted, the Commission will nonetheless retain its authority, under Rule 4901:1-6-23, O.A.C., to request submission of copies of FCC reports from each telephone company under its jurisdiction. Moreover, says the OTA, granting the waiver will affect neither any specific customer issue nor any general customer issue.

- (5) On July 27, 2009, a letter in support of the OTA's application for waiver was filed in this docket by counsel for Citynet Ohio, LLC, (Citynet) a competitive local exchange company (CLEC) in Ohio. In the letter, counsel for Citynet avers that, due to the electronic filing process implemented by the FCC, enforcement of Rule 4901:1-7-27, O.A.C., is no longer necessary and has become unduly burdensome to CLECs such as Citynet. Citynet requests that the waiver sought by the OTA, if granted, be made applicable to all LECs in Ohio. On August 4, 2009, a letter in support of the OTA's waiver application waiver which, like the letter from Citynet, also requests that the waiver, if granted, be made applicable to all LECs in Ohio, was filed in this docket by tw telecom of ohio llc (tw telecom).
- (6) We find that, together, the OTA, Citynet, and tw telecom have shown good cause for granting a permanent waiver that would relieve all LECs in Ohio from the obligations of Rule 4901:1-7-27, O.A.C. Accordingly, such a waiver is hereby granted.

It is, therefore,

ORDERED, That, in accordance with the above findings, all LECs in Ohio are hereby granted a permanent waiver that relieves them from any further obligation under Rule 4901:1-7-27, O.A.C. It is, further,

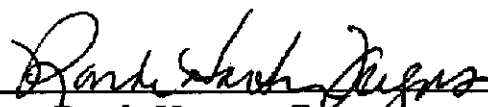
ORDERED, That a copy of this entry be served upon the OTA and its counsel, Citynet and its counsel, and all LECs in Ohio.

THE PUBLIC UTILITIES COMMISSION OF OHIO

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Alan R. Schriber, Chairman

  
Paul A. Centolella

  
Ronda Hartman Fergus

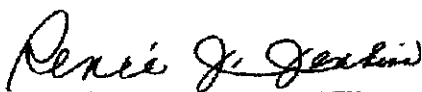
  
Valerie A. Lemmie

  
Cheryl L. Roberto

DEF;geb

Entered in the Journal

**AUG 12 2009**



Renee J. Jenkins  
Secretary