

# Confidential Release

**Case Number: 96-66-TP-CSS**

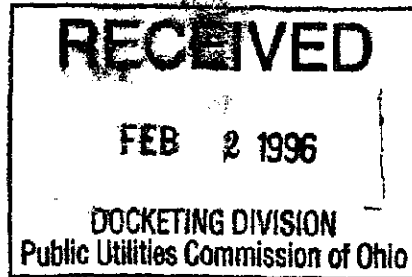
**Date of Confidential Document:  
February 2, 1996**

**Today's Date:  
August 25, 2009**

**Major issues list filed on behalf of Time Warner  
Communications or Ohio, L.P. and Time Warner  
AxS by S. Randazzo. (2 pgs.) (FILED UNDER  
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Time Warner v. Ameritech Ohio  
PUCO Case No. 96-66-TP-CSS

**Attachment B to Time Warner's  
Statement Regarding Issues in Dispute**

**Filed February 2, 1996**

**[Envelope contains original + 10 copies]**

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## MAJOR ISSUES LIST

The interconnection discussions which have occurred thus far between Time Warner and Ameritech have focused on the following major subject areas:

### Intercompany Compensation

Time Warner has expressed a preference for the "bill and keep" method and has also indicated a willingness to accept Ameritech's Illinois tariff provisions to establish the interim intercompany compensation method. To this point, Ameritech has refused to accept either the bill and keep method or the approach which it uses in Illinois. Time Warner's preference for the bill and keep method recognizes the Staff's proposal to use this method and the broad use of this method throughout the industry for the purpose of establishing interim interconnection agreements. During the January 24, 1996 signing session, Commissioner Fanelly also indicated support for the bill and keep method. However, at the meeting with the Staff on January 25, 1996, the Staff advised the parties that Commissioner Fanelly's views did not reflect those of the Chairman. Whatever the views of the Chairman or other Commissioners, Time Warner has placed reasonable alternatives on the table and Ameritech has refused to accept either.

### Interim Number Portability (RCF)

The discussions regarding interim number portability have been complicated by Ameritech's refusal to provide information that would allow Time Warner to evaluate the reasonableness of Ameritech's proposed recurring and non-recurring charges. Additionally, Ameritech has been less than clear about whether non-recurring these charges are per path or per line. A surrogate method for access revenue distribution is unsettled and is being unilaterally modified.

### Directory Listings & Database

Here again, discussions have been complicated because of Ameritech's inability to provide clear statements on what it will provide and what it proposes to charge if it will provide a requested service or option. Additionally, Ameritech has conditioned its willingness to discuss this item on Time Warner's acceptance of other Ameritech demands because the control of these services is in a separate subsidiary.

### Throughput Traffic

Ameritech is unwilling to provide this "product" or to provide it at a supportable charge.

### E911 Rates and Functionalities

MSAG updates are overpriced by Ameritech because of an apparently imprudent third party vendor arrangement it has in place.

**Operations/Implementation**

A serious need exists for timely co-carrier dispute resolution to occur in the operation and implementation phases.

**Other Issues**

In addition to the major interconnection issues identified above, Ameritech has raised several other issues that appear to have little to do with interconnection arrangements between co-carriers and everything to do with Ameritech's desire to leverage its monopoly control over bottleneck facilities and functionalities into market advantage. The following questions are in the "other issues" category.

- Is Ameritech's inability to form a reasonable interconnection arrangement with Time Warner a facilities-based, broad customer-based competitor, sufficient evidence of anticompetitive behavior to justify suspension of Ameritech's regulatory freedom under its alternative regulation plan?
- Will Ameritech be permitted to select its own competitors?
- Must Time Warner support Ameritech's interests in other lines of business in order to achieve a reasonable interconnection agreement with Ameritech?
- Must Time Warner assist Ameritech's interest in determining the timing of market entry by other telephony competitive providers in order to achieve a reasonable interconnection agreement between Time Warner and Ameritech?
- Must Time Warner accept cost inputs (charges) for bottleneck services from Ameritech based on Ameritech's representations that:
  - Other new entrants in other states purchase at those charges,
  - Ameritech's costs and profit levels require the charges, and/or
  - Ameritech has policies against charging less or differently?
- Must Time Warner accept Ameritech's decisions to offer or not offer "products" (monopoly services) and Ameritech's pricing decisions for those products?
- Are Ameritech's charges to its end users reflective of the imputation of cost elements to Ameritech at the same level being required of Time Warner for the same service elements?
- Is Time Warner a customer of Ameritech for monopoly bottleneck services or are the two providers co-carriers?