

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )  
Cincinnati Bell Telephone Company LLC for )  
Approval of an Alternative Form of ) Case No. 09-875-TP-BLS  
Regulation of Basic Local Exchange Service )  
and Other Tier 1 Services Pursuant to )  
Chapter 4901:1-4, Ohio Administrative Code. )

ENTRY

The attorney examiner finds:

- (1) On October 1, 2009, Cincinnati Bell Telephone Company LLC (CBT) 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, CBT seeks approval of an alternative form of BLES and other Tier 1 services in the following exchanges: Clermont and Newtonsville.
- (2) On October 8, 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 approximately 27,000 CBT customers in the two exchanges whose rates could be subject to annual increases because of CBT's application. OCC adds that it satisfies the intervention standard in Section 4903.221, Revised Code, because CBT'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.
- (3) 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*.

- (4) On October 5, 2009, CBT filed a motion for a protective order pursuant to Rules 4901:1-24 and 4901:1-4-09, O.A.C. The motion states that, in support of its BLES application, CBT had consulted number porting data to identify its former customers in the two affected exchanges who had ported a residential telephone number to a competing wireless carrier. According to CBT, this data was used to plot customer locations on exchange maps to demonstrate that the required number of alternative service providers were providing residential service in each exchange. CBT adds that, prior to using this data, it had sent letters to each of the affected wireless carriers informing them of CBT's plan to use their proprietary data in support of its BLES application, and stating that CBT would seek confidentiality under the Commission's rules. CBT also states that the maps submitted with its application kept the identity of each wireless carrier anonymous. In addition, contends CBT, it is filing under seal (a) the identity of each of the wireless carriers and (b) the telephone numbers and addresses of former CBT customers who had switched to Time Warner Cable Digital Phone service (Time Warner), even though the former Time Warner customers were not identified from porting data.

In closing, CBT states that the confidential information consists of carrier-specific information relative to their presence in specific telephone exchanges that were included in CBT's BLES application. CBT asserts that when wireless carriers acquire customers who wish to retain their CBT telephone number as their wireless service number, the wireless carriers submit number porting requests to CBT which are highly confidential to the porting carrier and cannot be used by CBT for any purpose other than to provision the porting request.

- (5) Having examined CBT's motion, the attorney examiner concludes that CBT's request for confidentiality is reasonable and should be granted.
- (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 November 5, 2009.

- (7) Finally, objections to this application must be filed on or before November 16, 2009. To the extent that CBT 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.

It is, therefore,

ORDERED, That OCC's motion for intervention is granted in accordance with Finding (3). It is, further,

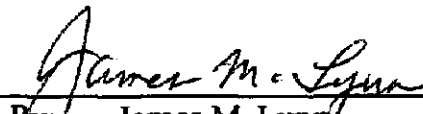
ORDERED, That the motion for a protective order is granted in accordance with Finding (5).

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.

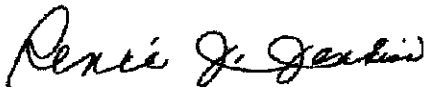
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: James M. Lynn  
Attorney Examiner

GRG  
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Entered in the Journal

**OCT 09 2009**



Renee J. Jenkins  
Secretary