

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Adoption of Rules       )  
to Implement Substitute Senate Bill 162.       )

Case No. 10-1010-TP-ORD

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AT&T OHIO'S MEMORANDUM CONTRA

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**Introduction**

AT&T Ohio, by its attorneys, and pursuant to O.A.C. § 4901-1-35(B), opposes the application for rehearing filed by the Office of the Ohio Consumers' Counsel ("OCC") on October 15, 2010.<sup>1</sup> As relevant to AT&T Ohio, OCC argues that the Commission's September 15, 2010 Entry erred in not requiring AT&T Ohio to notify affected customers of the Entry's preclusion of the Company's planned October 3, 2010 rate increases. OCC suggests that such notice should have been required in order to "further the Entry's stated purpose of avoiding confusion . . . ." OCC, p. 6.

**OCC Points to No Law or Rule Requiring the Customer Notice It Seeks**

In order to support its application for rehearing, and to make the required showing that the Entry is in some way unreasonable or unlawful, one would have expected OCC to point to a law or rule requiring the relief it seeks. But OCC points to no such law or rule. This underscores the frivolity of OCC's application for rehearing.

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<sup>1</sup> The AT&T Entities, including AT&T Ohio, filed comments and reply comments in this case. Because OCC's application for rehearing is directed at an issue relevant only to AT&T Ohio, that entity alone files this memorandum contra.

As OCC is well aware, its coalition has sought to require rate decreases to be the subject of the proposed customer notice rule in this case. See Reply Comments of the Ohioans Protecting Telephone Consumers, September 30, 2010, p. 15. Even under the current rule, rate increases (but not rate decreases) are the subject of required customer notice. O.A.C. § 4901:1-6-16(A)(3). OCC is correct that AT&T Ohio distributed the requisite customer notice concerning its planned October 3, 2010 rate increases. Those rate increases were precluded by the Entry. At the appropriate time, AT&T Ohio will advise customers of the status of the planned rate increases. The short answer to OCC is that it was not unreasonable or unlawful for the Commission to not order AT&T Ohio to correct the previous customer notice. No customer was harmed by the Entry's preclusion of the proposed rate increases and there will be no adverse customer impact resulting from a slight delay in a corrective customer notice being distributed.

## **Conclusion**

For all of the foregoing reasons, OCC's application for rehearing should be denied.

Respectfully submitted,

AT&T OHIO

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Certificate of Service

I hereby certify that a copy of the foregoing has been served this 25th day of October, 2010 by e-mail or by prepaid first class mail, as noted, on the parties shown below.

/s/ Jon F. Kelly

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Summary: Memorandum contra the Ohio Consumers' Counsel's application for rehearing electronically filed by Jon F Kelly on behalf of AT&T Ohio