

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's)	
Investigation into Intrastate Carrier Access)	Case No. 10-2387-TP-COI
Reform Pursuant to S.B. 162)	

**MEMORANDUM CONTRA OF CENTURYLINK TO
MOTIONS FOR HEARING AND OTHER PROCEDURAL ORDERS BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL, CINCINNATI BELL
TELEPHONE COMPANY LLC, AND VERIZON ENTITIES**

CenturyTel of Ohio, Inc., dba CenturyLink and United Telephone Company of Ohio, dba

CenturyLink (collectively "CenturyLink") oppose the requests for a hearing of the Ohio Consumers' Counsel ("OCC"), Cincinnati Bell Telephone Company ("CBT"), and the Verizon entities ("Verizon"). A hearing is not legally required, is unnecessary, and, at best, is premature.

I. There is no legal requirement for a hearing.

The Commission has opened this proceeding pursuant to Ohio Rev. Code §4927.15. Nowhere in that section is there any requirement for the Commission to hold a hearing before requiring access charge reductions or creating a fund to offset the impact of those reductions. Furthermore, there is nothing else in Title 49 that requires a hearing, and none of the parties that are asking for a hearing have cited any law or administrative rule that requires a hearing. The Commission has the discretion whether to hold a hearing. It has correctly exercised that discretion and decided that a hearing is not necessary.

II. A hearing is not necessary.

There is no need for a hearing to provide the Commission with the information necessary to make an informed decision in this matter. The Commission has established a comment and reply comment cycle, which, together with the information the Commission has requested from eligible ILECs, will give the Commission all the information it needs to act pursuant to Ohio Rev. Code §4927.15.

OCC tries to justify a hearing based on the benefits of cross-examination for discovering the truth. But this argument is unavailing simply because the truth of relevant facts will not be at issue here. Access reform is almost entirely a matter of policy, not a question of fact.

Therefore, cross-examination, notwithstanding its value in controverted issues of fact, is of no value here. Because access reform is a matter of policy, the comment and reply comment procedure the Commission has adopted is sufficient to give the Commission the information it needs.

III. Even assuming a hearing might be appropriate, it is premature to decide now to hold a hearing.

The comment and reply comment cycles will give the Commission the benefit of the parties' views on the policy issues that are the essence of access reform. And the information the Commission has requested from ILECs will provide the necessary factual information for the Commission's decision. That information may be supplemented by discovery. It is possible that, after reviewing the comments, reply comments, and factual information, the Commission will decide that it needs more information or that there are material issues of fact that would best

be resolved through a hearing. If so, the Commission could then order that a hearing be conducted. Until then though, it is premature to require a hearing.

IV. Conclusion

The Commission should deny all motions that request a hearing in this matter. Unless and until the Commission finds that the procedures it has adopted are insufficient, it shouldn't require a hearing.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion Contra of CenturyLink to the
Motions for Hearing and other Procedural Changes of Cincinnati Bell Telephone Company LLC,
The Office of the Ohio Consumers' Counsel and Verizon entities was served by electronic and
first class mail, on this 24th day of November, 2010.

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Summary: Memorandum Contra of Centurylink to Motions for Hearing and Other Procedural Orders electronically filed by GARY BAKI on behalf of CenturyTel of Ohio dba CenturyLink