

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

ENTRY

The Commission finds:

- (1) On June 13, 2010, the governor of the state of Ohio signed into law Substitute Senate Bill 162 (Sub. S.B. 162), which revises state law as it pertains to the provision of telecommunications services. Among other things, Sub. S.B. 162 authorizes the Commission to create and administer mechanisms for carrier access reform, including, but not limited to, high-cost support. Further Sub. S.B. 162 provides that the Commission may order changes in a telephone company's rates for carrier access within Ohio. The effective date of Sub. S.B. 162 was September 13, 2010.
- (2) Pursuant to Appendices A and B of the Commission's Entry of November 3, 2010, the Commission staff proposed an access restructuring plan and drafted a series of questions pertaining to the proposed plan that would reduce certain incumbent local exchange carrier (ILEC)¹ access charges and allow those ILECs to recoup the revenues lost from the access reductions through an intrastate Access Recovery Fund. Additionally, the Commission staff also drafted two data requests that it proposed be issued with the proposed plan should the plan be adopted by the Commission (attached as Appendices C and D, Entry of November 3, 2010). The Commission invited all stakeholders and other interested parties to provide responses to the questions posed in Appendix B and to provide any additional comments that they may wish regarding the proposed plan and proposed data requests. Initial comments are to be filed by December 20, 2010, with reply comments due on January 19, 2011.

¹ Specifically, this proposed access restructuring plan would apply to all small ILECs as well as Windstream Ohio, Inc., Windstream Western Reserve, Inc., and CenturyTel of Ohio, Inc. dba CenturyLink.

- (3) On November 9, 2010, the office of the Ohio Consumers' Counsel (OCC) filed a motion to intervene and a motion for hearing and other procedural orders. In support of its motion to intervene, OCC states that no other party represents the interests of all residential customers of the local exchange carriers and interexchange carriers.

Additionally, OCC submits that, based on the fact that both the reductions in intrastate access charges and the recovery of lost revenues are being proposed, the filing of comments by itself is not sufficient. Rather, OCC moves the Commission to hold a hearing prior to ordering any changes, especially those involving increases in the rates that subscribers pay.

Further, OCC moves the Commission to require that the filing data discussed in the Commission's Entry of November 3, 2010, be docketed before filing of the requisite comments in order that the data can serve as a factual basis for the comments and the Commission's decision on the plan.

Finally, pursuant to Section 4903.082, Revised Code, OCC requests that the Commission should provide for expedited discovery in this proceeding in order that the filed comments be based upon data.

- (4) On November 12, 2010, Cincinnati Bell Telephone Company LLC (Cincinnati Bell) filed a motion for a hearing and other procedural changes. Similar to OCC, Cincinnati Bell requests that the Commission revise the procedural plan in this proceeding to include the required submission of more comprehensive data prior to comments and the holding of a hearing before implementing any proposed Access Recovery Fund.
- (5) On November 18, 2010, MCI Metro Access Transmission Services LLC d/b/a Verizon Access Transmission Services, MCI Communications Services, Inc. dba Verizon Business Services, and Celco Partnership and its subsidiaries (collectively, Verizon) filed a motion requesting the establishment of a formal hearing process prior to considering the Commission staff's proposal. Specifically, Verizon requests that the hearing process be utilized to consider, among other things, whether there is a need for any revenue

recovery mechanism in conjunction with access charge reductions.

- (6) On November 29, 2010, T-Mobile Central, LLC and VoiceStream Pittsburgh, LP jointly filed a letter in support of the motions filed by OCC, Cincinnati Bell, and Verizon.
- (7) On November 24, 2010, the following entities filed memoranda contra requests for hearing and other procedural changes: (a) Windstream Ohio, Inc. and Windstream Western Reserve Inc.; (b) The Ohio Bell Telephone Company dba AT&T Ohio, AT&T Communications of Ohio Inc., TCG Ohio, SBC Long Distance dba AT&T Long Distance, SNET America, Inc. dba AT&T Long Distance East, AT&T Corp. dba AT&T Advanced Solutions, Cincinnati SMSA L.P., and New Cingular Wireless PCS, LLC dba AT&T Mobility; (c) CenturyTel of Ohio, Inc. dba CenturyLink and United Telephone Company of Ohio dba CenturyLink; and (d) Arcadia Telephone Company, Arthur Mutual Telephone Company, Ayersville Telephone Company, Bascom Mutual Telephone Company, Benton Ridge Telephone Company, Buckland Telephone Company, Champaign Telephone Company, Chillicothe Telephone, Columbus Grove Telephone Company, Conneaut Telephone Company, Continental Telephone Company, Doylestown Telephone Company, Farmers Mutual Telephone Company, Fort Jennings Telephone Company, Germantown Independent Telephone Company, Glandorf Telephone Company, Kalida Telephone Company, Inc., Little Miami Communications Corporation, McClure Telephone Company, Middle Point Home Telephone Company, Minford Telephone Company, New Knoxville Telephone Company, Nova Telephone Company, Oakwood Telephone Company, Orwell Telephone, Ottoville Mutual Telephone Company, Pattersonville Telephone Company, Ridgeville Telephone Company, Sherwood Mutual Telephone Association, Sycamore Telephone Company, Telephone Service Company, Vanlue Telephone Company, Vaughnsville Company, and Wabash Mutual Telephone Company (collectively, Small Local Exchange Carriers).²

² The November 24, 2010, memorandum contra was specific to the motion of OCC.

- (8) On November 24, 2010, pursuant to Rule 4901-1-08(B), Ohio Administrative Code (O.A.C.), a motion for admission pro hac vice of Norman J. Kennard and Regina L. Matz was filed by Joseph R. Stewart, a licensed attorney in the state of Ohio.
- (9) On December 1, 2010, pursuant to Rule 4901-1-08(B), O.A.C., a motion for admission pro hac vice of David Haga was filed by Barth E. Royer, a licensed attorney in the state of Ohio.
- (10) On November 29, 2010, the Small Local Exchange Carriers filed a memorandum contra the motions of Cincinnati Bell and Verizon.
- (11) OCC and Verizon each filed a reply memorandum on December 1, 2010.
- (12) The Commission determines that the motions filed by OCC, Cincinnati Bell, and Verizon requesting a hearing are premature and, therefore, will not be ruled upon at this time. Regarding the requests that the ILEC data be filed prior to the filing of comments or that discovery occur prior to the filing of initial and reply comments, these requests are denied at this time. However, in order to clear up confusion over the process, we will discuss below how the Commission intends to proceed in the matter. At this time, the Commission determines that data and discovery are not necessary in order to comment. Rather, we envision that the comments are necessary in order to determine the *framework* for proceeding in this matter. In other words, we want to know from the commentators their views of staff's proposed plan and what data is necessary to obtain, if any beyond what staff has proposed, and then we will direct affected carriers to supply us with the required data. Once the data is submitted to us, we would entertain motions seeking discovery, a request for a technical workshop, and a hearing. Discovery would be focused on the submitted data. In any event, interested entities will have a full opportunity to present their positions to the Commission before the Commission ultimately rules on the access recovery mechanism.
- (13) Finally, the motions for admission pro hac vice are reasonable and should be granted for the limited purpose of this proceeding.

It is, therefore,

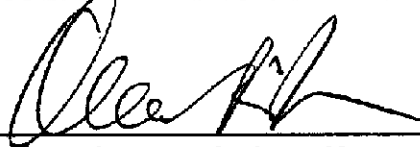
ORDERED, That the motions for a hearing filed by OCC, Cincinnati Bell, and Verizon will be held in abeyance in accordance with Finding (12). It is, further,

ORDERED, That the requests for the prefiling of data and for the conducting of discovery are denied in accordance with Finding (12). It is, further,

ORDERED, That the motions pro hac vice be granted in accordance with Finding (13). It is, further,

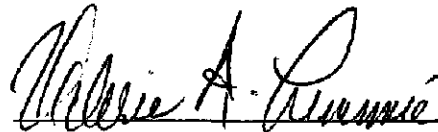
ORDERED, That a copy of this entry be served upon OCC, all ILECs, all competitive local exchange carriers, all providers of telephone toll service, all wireless service providers registered with the Commission, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

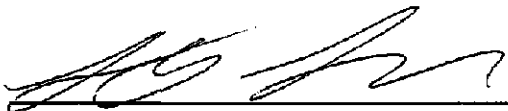


Alan R. Schriber, Chairman


Paul A. Centolella



Valerie A. Lemmie



Steven D. Lesser

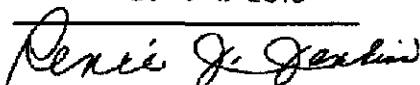


Cheryl L. Roberto

JSA/sc

Entered in the Journal

DEC 08 2010



Renee J. Jenkins

Secretary