

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Filing of Annual)
Reports by Competitive and Wireless) Case No. 12-05-TP-RPT
Telecommunications Service Providers)
for Calendar Year 2011.)

THIRD ENTRY ON REHEARING

The Commission finds:

- (1) Section 4905.14, Revised Code, requires that every public utility, as defined by Sections 4905.02 and 4905.03, Revised Code, file an annual report at the time and in the form prescribed by the Commission. Section 4905.54, Revised Code, empowers the Commission to assess a forfeiture of not more than \$10,000 per day for each violation or failure of a public utility or railroad, or an officer of a public utility or railroad, to comply with an order, direction, or requirement of the Commission made under authority of Chapter 4905, Revised Code.
- (2) On February 14, 2012, the Commission issued an entry directing the filing of reports by April 30, 2012, in accordance with the sample or on-line form and instructions posted on the Commission's website. Furthermore, entities were apprised that failure to file a annual report might result in revocation of a company's operating authority or certificate; and that any public utility's failure to comply may result in the assessment of penalties, pursuant to Section 4905.54, Revised Code. Finally, all reporting companies were advised that the Commission will implement a \$100 minimum assessment per reporting entity, pursuant to Section 4905.10(A), Revised Code, for all reporting entities, including brokers and governmental aggregators who have no intrastate gross revenues.
- (3) On December 19, 2012, the Commission issued a finding and order that, *inter alia*, identified 26 regulated entities that had failed to pay their respective 2012 assessments, but granted these companies until December 31, 2012, to show

cause why their certificates or operating authorities should not be revoked.

- (4) On January 9, 2013, the Commission issued an entry on rehearing which, *inter alia*, revoked the authority of ten entities who had failed to pay their assessments or show cause why their certificates should not be revoked by December 31, 2012.
- (5) Section 4903.10, Revised Code, provides that any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days of the issuance of the order.
- (6) On January 24, 2013, Jonathan Blakey, Vice-President Regulatory Matters, filed an application for rehearing on behalf of BCE Nexxia Corporation (BCE Nexxia).
- (7) On January 30, 2013, the Commission issued a second entry on rehearing, which held the filing of an application for rehearing constitutes the practice of law in Ohio. Rule 4901-1-08(A), Ohio Administrative Code (O.A.C.), requires that any party not appearing in propria persona be represented by an attorney-at-law authorized to practice before the courts of this state, and that a corporation must be represented by an attorney-at-law. As BCE Nexxia's filing did not appear to be made by an attorney licensed to practice in Ohio, we concluded that BCE Nexxia's filing was not properly before the Commission and, therefore, could not be considered.
- (8) On February 7, 2013, BCE Nexxia filed a second application for rehearing in accordance with Section 4903.10, Revised Code, and Rule 4901-1-08(A), O.A.C. BCE Nexxia asserts that the failure to timely pay the assessment was due to clerical error, and requests that Certificate No. 90-6162 be reinstated.
- (9) As the Commission's records reflect that BCE Nexxia's payment has been received, this application for rehearing should be granted, and Certificate No. 90-6162 should be reinstated for good cause shown.

It is, therefore,

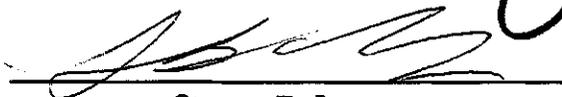
ORDERED, That the application for rehearing filed by BCE Nexxia be granted, and Certificate No. 90-6162 be reinstated. It is, further,

ORDERED, That notice or a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



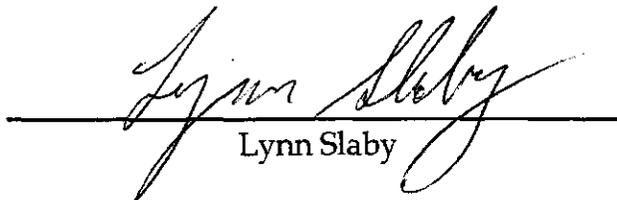
Todd A. Snitchler, Chairman



Steven D. Lesser



Andre T. Porter



Lynn Slaby

RMB/sc

Entered in the Journal

FEB 27 2013



Barcy F. McNeal
Secretary