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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Amendment of the  
Minimum Telephone Service Standards as Set  
Forth in Chapter 4901:1-5 of the Ohio  
Administrative Code.

)  
) Case No. 00-1265-TP-ORD  
)  
)

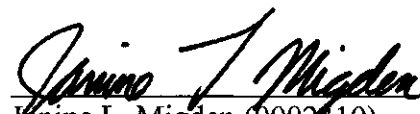
**MOTION OF REVOLUTION COMMUNICATIONS COMPANY, LLC  
DBA 1-800-4-A-PHONE FOR A CLARIFICATION OF RULES  
4901:1-5-15 AND 4901:1-5-17, OHIO ADMINISTRATIVE CODE  
OR IN THE ALTERNATIVE A REQUEST FOR A WAIVER**

Pursuant to Section 4901:1-5-01(B)(3) Ohio Administrative Code, Revolution Communications Company, LLC dba 1-800-4-A-Phone ("Revolutions") respectfully requests that the Public Utilities Commission of Ohio ("Commission" or "PUCO") grant its motion for clarification of Section 4901:1-5-15 and 4901:1-5-17 Ohio Administrative Code or in the Alternative, request for a waiver, for the reasons set forth in the Memorandum in Support.

Respectfully Submitted,

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ATTORNEYS FOR REVOLUTION  
COMMUNICATIONS COMPANY LLC

## **MEMORANDUM IN SUPPORT**

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### **I. INTRODUCTION**

On January 17, 2003, Revolution received notice from the Staff of the Public Utilities Commission ("Staff") that based upon its review of Revolution's customer bill, it did not comply with Rules 4901:1-5-15 and 4901:1-5-17 of the Minimum Telephone Service Standards (MTSS) in that Revolution had included in its billing notice, a notice of disconnection. The Staff position was that Revolution must have two separate documents, a customer bill and a disconnection notice unless Revolution receives a waiver of the rules. Revolution's current practice with respect to providing notice of disconnection is to include notice with the current bill that if the customer does not pay, by the due date, the service may be disconnected. Revolution believes its current practices comport with the MTSS and respectfully disagrees with the Staff's interpretation of the rules.

### **II. CLARIFICATION IS NEEDED WITH RESPECT TO THE RULES REGARDING NOTICE OF DISCONNECTION**

The issue of concern is whether a bill to a customer can be used to also serve as a disconnect notice. In reviewing the appropriate regulations, there does not appear to be a prohibition from so doing. Rule 4901:1-05-15 Ohio Administrative Code sets forth the requirements for what must be included in the subscribers bill; however, the list of items is not exclusive and therefore does not preclude providing notice of disconnection. Moreover, in order to ensure that the customer is aware of the possibility of

disconnection, Revolution proposes to set forth the notice in a highlighted fashion on the subscriber bill.

Rule 4901:1-5-17(K)(2) Ohio Admin. Code states that “[T]he Company shall not disconnect service. . . (b) Without sending a written notice of disconnection, postmarked at least seven days prior to the date of disconnection of service.” Nowhere does it state that there must be a separate notice for disconnection. Moreover, Sec. 4901:1-5-17(L) Ohio Admin. Code sets forth the details of what must be included in a disconnect notice. If all the requirements are met and included in the subscriber’s bill which is postmarked at least seven days prior to disconnection, then Revolution has met all the requirements of the MTSS. Based upon the review of the rules, Revolution asserts that the inclusion of the disconnect notification in the subscribers bill is in compliance with the MTSS.

**III. IN THE ALTERNATIVE, IF THE COMMISSION’S POSITION IS THAT A SEPARATE NOTICE IS REQUIRED, THEN REVOLUTION SEEKS A WAIVER FROM THE SEPARATE NOTICE REQUIREMENT.**

Assuming *arguendo*, that a separate notice for disconnection is required, then Revolution requests that the Commission grant its request for a waiver and allow it to include the disconnect notice with the subscriber bill. Revolution, would, of course, comply with all of the requirements of the Commission’s rule with respect to the content of the notice. In addition, Revolution would make sure that the notice is highlighted on the bill in a conspicuous location so that the customer cannot overlook it. Revolution has good cause for requesting the waiver.

The cost of creating a separate notice for disconnection is substantial. As it is, Revolution uses one bill format for all the states in which it does business. In the other jurisdictions in which Revolution operates which include in addition to Ohio, Texas,

Missouri, Arkansas, Kansas, Oklahoma and Georgia, there is no requirement that the disconnection notice be sent through a separate mailing. Moreover, by including the disconnection notice in a prominent location on the subscriber's bill, the customer receives the advanced notice as required by the MTSS. In fact, by so doing, the customer receives more time to make arrangements for payment and avoid disconnection than he or she would receive through a separate mailing.

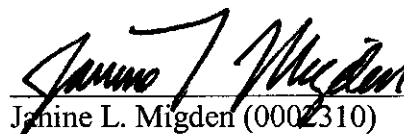
#### IV. CONCLUSION

Given that the rules do not explicitly require a separate notice of disconnection, Revolution asserts that its current practice of including notice of disconnection within the subscriber bill is in compliance with the Minimum Telephone Service Standards. Should the Commission concur, Revolution will take additional steps to ensure that the notice of disconnection is highlighted in a fashion so as to ensure that the customer has full notice. The intent would be to guarantee that the customer is as equally informed as he or she would be had there been a separately mailed notice.

In the event that the Commission determines that the separate notice is required under the MTSS rules, then Revolution would request a waiver for good cause for the reasons outlined above.

WHEREFORE, Revolution respectfully requests that the Commission find that there is no requirement for a separate notice and that the disconnect notice may be included in the subscribers bill or in the alternative, grant Revolution's Request for a Waiver.

Respectfully Submitted,



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ATTORNEYS FOR REVOLUTION  
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# CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served by first class mail to the following parties of record this 14th day of February, 2003.

  
Jayne L. Migden

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