

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Review of Ohio Administrative Code)
Chapter 4901:1-7, Local Exchange)
Carrier-to-Carrier Rules)

Case No. 16-2066-TP-ORD

REPLY COMMENTS OF THE OHIO TELECOM ASSOCIATION

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I. BACKGROUND

Pursuant to the Public Utilities Commission of Ohio's ("Commission") January 18, 2017 Entry, the Ohio Telecom Association ("OTA") files these Reply Comments to the Comments of the Office of the Ohio Consumers' Counsel ("OCC") on the Commission's review of the Local Exchange Carrier-to-Carrier Rules contained in Chapter 4901:1-7 of the Ohio Administrative Code ("OAC"). In these Reply Comments, OTA recommends that the Commission should reject the OCC's requested revision to Rule 4901:1-7-03, Ohio Administrative Code , because the change is contrary to well established federal guidance in this matter.¹

II. INTRODUCTION

The Commission's Entry of January 18, 2017 contains proposed amendments and changes to the Commission's Local Exchange Carrier-to-Carrier Rules contained in Chapter 4901:1-7 of the OAC. The proposed modifications are reflective of the Commission's support and understanding of the valuable investment and impact that the

¹ *Petition of USTelecom for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations*, WC Docket No. 12-61, et al., Memorandum Opinion and Order (May 17, 2013).

telecommunications industry has on Ohio's economy. The OTA is supportive of the Commission Staff's ("Staff") proposed rules, which largely mirror the Federal Communications Commission's ("FCC") rules. The benefits of aligning Ohio's rules with the FCC's include consistency in enforcement, reduction in confusion, and assuring appropriate compliance with state and federal regulations. Perhaps most importantly, streamlining Ohio's rules to ensure consistency and compliance with FCC guidance is consistent with Governor Kasich's "Common Sense Initiative" established by Executive Order 2011-01K. Regrettably, the OCC in their comments would like the Commission to impose burdens on the local telephone companies that have no basis in federal statutory guidance.

III. REPLY COMMENTS

Consistent with the goal of aligning the Commission's rules with those of the FCC, the Staff has recommended that the provision of a rule requiring a telephone company to recite a list of interexchange carriers to a prospective customer that does not designate a long distance carrier be eliminated ("Scripting Requirement"). Entry, Attachment A at 5 (Jan. 18, 2017). In its initial comments, OCC asks the Commission to modify the Staff's recommendation and include a requirement that the telephone company direct the customer to the Commission's website.² This additional requested requirement is unnecessary, and as OCC reveals in its comments, has not been required by the FCC since 2013.³

² OCC Comments at 5 (Feb. 10, 2017).

³ *Id.* at 3.

In 2007, the FCC eliminated the requirement for AT&T, Verizon, and Qwest to read to their new customers a list of long distance providers, finding that the requirements were no longer necessary due to the market conditions and opportunities for long distance service providers.⁴ In 2013, the FCC eliminated this requirement for all telephone companies, reasoning that this mandate was no longer necessary as the market had changed dramatically and there was minimal if any public interest or benefit in requiring Incumbent Local Exchange Companies (“ILECs”) to inform their customers of these services.⁵

Since the FCC rulings on this matter, there has not been any evidence that customers would benefit from being directed to a list of available long distance carriers. In fact, such a requirement does not exist in other states and finds no basis in federal guidance.

Moreover, following the OCC’s recommendations on this matter would require ILECs in Ohio to operate and institute a unique Ohio-mandated service requirement. That requirement would impose unnecessary delay in service to customers and add to the customer’s frustration for the additional call time that would be required to direct the customer to the Commission’s website.

The Commission Staff was correct in recommending the elimination of this current outdated and unneeded Scripting Requirement. OCC’s recommendation to reinsert a

⁴ *Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) with Regard to Certain Dominant Carrier Regulations for In-Region, Interexchange Services*, WC Docket No. 06-120, et al., Report and Order, 22 FCC Rcd 16440, 16501-02, ¶¶ 125-26 (2007).

⁵ *Petition of USTelecom for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations*, WC Docket No. 12-61, et al., Memorandum Opinion and Order at pg. 10 (released May 17, 2013).

requirement that the telephone company inform a customer that a list of long distance companies is available on the Commission's website would not improve the existing rule because it would not provide customers with a meaningful benefit.

IV. CONCLUSION

For the reasons explained above, OTA respectfully requests that the Commission reject the recommendation by OCC that Rule 4901:1-7-03(F) be amended to include a requirement that the telephone company direct a customer to the Commission's list of long distance of providers.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Reply Comments of the Ohio Telecom Association*, was served upon the following parties of record this 24th day of February 2017, *via* electronic transmission, hand-delivery or first class U.S. mail, postage prepaid.

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