

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF
GRANITE TELECOMMUNICATIONS, LLC,

COMPLAINANT,

v.

CASE NO. 17-1713-TP-CSS

OHIO BELL TELEPHONE COMPANY D/B/A
AT&T OHIO,

RESPONDENT.

ENTRY

Entered in the Journal on February 7, 2018

I. SUMMARY

{¶ 1} The Commission dismisses the complaint upon motion of the Complainant.

II. DISCUSSION

{¶ 2} Pursuant to R.C. 4927.21, the Commission has authority to consider written complaints filed against a telephone company by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the telephone company that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 3} The Ohio Bell Telephone Company d/b/a AT&T Ohio (AT&T Ohio) is a telephone company as defined in R.C. 4905.03 and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} On September 26, 2017, Granite Telecommunications, LLC (Granite) filed an amended complaint¹ alleging that AT&T Ohio revised its rate structure in an effort to eliminate Granite as a competitive provider of communication services.

¹ Granite filed its original complaint on August 1, 2017.

{¶ 5} In its complaint, Granite described itself as a provider of voice communication services to large geographically dispersed businesses and governmental agencies. Granite provides the service on a resale basis through the networks of incumbent local exchange carriers like AT&T Ohio. AT&T Ohio offers the use of its network through negotiated agreements known as Local Wholesale Complete (LWC). Granite alleges that AT&T Ohio is a network provider and also a competitor that offers a similar service. Granite accuses AT&T Ohio of setting its prices for LWC at a level intended to eliminate Granite as a competitor. More specifically, Granite accused AT&T Ohio of engaging in a “price squeeze” by setting a price differential between its wholesale and retail offerings that is too narrow for a resale competitor to profit and compete. Granite sought a finding from the Commission that AT&T Ohio’s current and proposed rates are unjust and unreasonable.

{¶ 6} On August 21, 2017, AT&T Ohio filed an answer and a motion to dismiss the complaint. In its motion to dismiss, AT&T Ohio regarded Granite’s complaint as an attempt to impose resale-type rate regulation on a wholesale service. Among other reasons for dismissal, AT&T Ohio asserts that Granite’s proposal disregarded federal and state policy to promote competition and encourage facilities investment, that Granite’s complaint was premature because Granite did not invoke the LWC informal dispute resolution process, and that the complaint was premature because Granite abruptly terminated negotiations.

{¶ 7} Subsequently, the parties filed pleadings and motions relating to dismissal, confidentiality, and discovery.

{¶ 8} On December 21, 2017, Granite filed a motion to dismiss its complaint. Granite explains that its claims against AT&T Ohio have been resolved.

{¶ 9} Being advised that the parties have resolved all issues, the Commission shall grant the motion to dismiss the complaint.

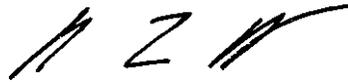
III. ORDER

{¶ 10} It is, therefore,

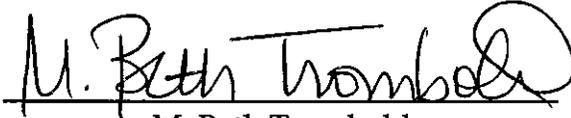
{¶ 11} ORDERED, That Granite's motion to dismiss the complaint be granted. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon the parties and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



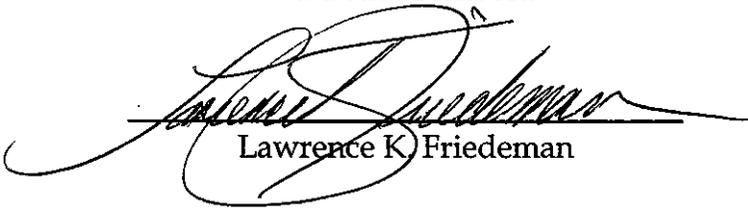
Asim Z. Haque, Chairman



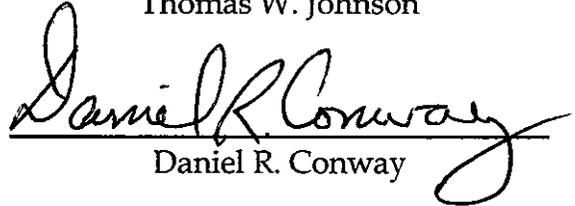
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

LDJ/vrm

Entered in the Journal
FEB 07 2018



Barcy F. McNeal
Secretary