

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
REVIEW OF CHAPTER 4901:1-6 OF THE
OHIO ADMINISTRATIVE CODE,
REGARDING TELEPHONE COMPANY
PROCEDURES AND STANDARDS.

CASE No. 14-1554-TP-ORD

ENTRY

Entered in the Journal on May 2, 2018

I. SUMMARY

{¶ 1} The Commission requests comment for an additional revision to Ohio Adm.Code 4901:1-6-36, as described in Paragraph 19. All responsive comments should be filed by May 18, 2018.

II. DISCUSSION

{¶ 2} R.C. 111.15(B) requires all state agencies to conduct a review, every five years, of their rules and to determine whether to continue their rules without change, amend their rules, or rescind their rules.

{¶ 3} R.C. 106.03(A) requires that the Commission determine whether the rules:

- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;
- (b) Need amendment or rescission to give more flexibility at the local level;
- (c) Need amendment or rescission to eliminate unnecessary paperwork;
- (d) Incorporate a text or other material by reference and, if so, whether the text or other material incorporated by reference is deposited or displayed as required by R.C. 121.74, and whether

the incorporation by reference meets the standards stated in R.C. 121.71, 121.75, and 121.76;

- (e) Duplicate, overlap with, or conflict with other rules;
- (f) Have an adverse impact on businesses, as determine under R.C. 107.52; and
- (g) Contain words or phrases having meanings that, in contemporary usage, are understood as being derogatory or offensive.

{¶ 4} In addition, on January 10, 2011, the governor of the state of Ohio issued Executive Order 2011-01K, entitled "Establishing the Common Sense Initiative," which sets forth several factors to be considered in the promulgation of rules and the review of existing rules. Among other things, the Commission must: review its rules to determine the impact that a rule has on small businesses; attempt to balance the critical objectives of regulation and the cost of compliance by the regulated parties; and amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient, or needlessly burdensome, or that have had negative, unintended consequences, or unnecessarily impede business growth.

{¶ 5} On September 4, 2014, the Commission opened Case No. 14-1554-TP-ORD (*Retail Rules Case*), *In re the Commission's Review of Chapter 4901:1-6 of the Ohio Administrative Code, Regarding Telephone Company Procedures and Standards*, for the purpose of commencing the five-year review of the rules contained in Ohio Adm.Code Chapter 4901:1-6.

{¶ 6} Pursuant to its November 30, 2016 Finding and Order (Finding and Order) in the *Retail Rules Case*, the Commission adopted administrative rules regarding telephone company procedures and standards. Consistent with the Finding and Order, some rules were identified as no change rules, some were identified as amended rules, and one was identified as a new rule.

{¶ 7} On December 30, 2016, AT&T Ohio; Ohio Cable Telecommunications Association (OCTA); the Ohio Telecom Association (OTA); and Edgemont Neighborhood Coalition (Edgemont), Legal Aid Society of Southwest Ohio LLC, The Office of the Ohio Consumers' Counsel (OCC), Ohio Poverty Law Center, Pro Seniors, Inc., and Southeastern Ohio Legal Services (jointly, Consumer Groups) filed applications for rehearing of the Finding and Order.

{¶ 8} On January 9, 2017, AT&T Ohio, OCTA, OTA, and Consumer Groups each filed a memorandum contra the applications for rehearing.

{¶ 9} On January 25, 2017, the Commission issued its Entry on Rehearing granting rehearing for the limited purpose of further consideration of matters raised in the applications for rehearing.

{¶ 10} On April 5, 2017, the Commission issued its Second Entry on Rehearing granting some and denying some of the assignments of error set forth in the applications for rehearing.

{¶ 11} On May 5, 2017, OCTA and Consumer Groups¹ filed applications for rehearing of the Commission's April 5, 2017 Second Entry on Rehearing.

{¶ 12} On May 15, 2017, AT&T Ohio and OCTA filed memorandum contra Consumer Groups' application for rehearing.

{¶ 13} On May 15, 2017, Consumer Groups filed a memorandum contra OCTA's application for rehearing.

¹ The entities include Communities United for Action, Edgemont, OCC, Ohio Poverty Law Center, Pro Seniors, Inc., and Southeastern Ohio Legal Services.

{¶ 14} On May 24, 2017, the Commission issued its Third Entry on Rehearing granting rehearing for the limited purpose of further consideration of matters raised in the applications for rehearing.

{¶ 15} On August 9, 2017, the Commission issued its Fourth Entry on Rehearing, which among other things, granted in part and denied in part OCTA's application for rehearing.

{¶ 16} On September 8, 2017, Consumer Groups² filed an application for rehearing of the Commission's August 9, 2017 Fourth Entry on Rehearing.

{¶ 17} On September 18, 2017, AT&T Ohio and OTA each filed a memorandum contra Consumer Groups' application for rehearing.

{¶ 18} On October 4, 2017, the Commission issued its Fifth Entry on Rehearing denying Consumer Groups' application for rehearing.

{¶ 19} At this time, the Commission requests comment on additional revisions to Ohio Adm.Code 4901:1-6-36(B) and (C) regarding telecommunications relay service (TRS). Specifically, the Commission seeks comment on modifying the language as follows:

(B) For the purpose of funding the TRS, the commission shall collect an assessment to pay for the costs incurred by the TRS provider for providing the service in Ohio, from each service provider that is required under federal law to provide its customers access to TRS, including telephone companies, wireless service providers, resellers of wireless service, and providers of advanced services or internet protocol-enabled services that are competitive with or functionally equivalent to voice-grade, end user access lines, and other telecommunications services that are competitive with or functionally equivalent to voice-grade, end

² The entities include Appalachian Peace and Justice Network, Communities United for Action, Edgemont, OCC, and Pro Seniors, Inc.

user access lines in the event such provider is subsequently required under federal law to provide its customers access to ~~telecommunications relay service~~ TRS. For purposes of this rule, advanced services and internet protocol-enabled services have the meanings ascribed to them by federal law, including federal regulations.

(C) Each service provider ~~identified~~ identified in paragraph (B) of this rule shall be assessed by the commission according to a schedule established by the commission by taking the TRS appropriation and applying a credit which reflects over collected or under collected monies from the previous year to obtain the total amount to be assessed which is then divided by the total number of lines reported on the TRS reports for that year resulting in a rate per line. The rate per line is then multiplied by the number of lines per service provider, as reported on the annual TRS reports, which results in a billed amount per company. In accordance with division (C) of section 4905.84 of the Revised Code, the billed amount will necessarily vary by year as the appropriation amount, number of service providers, and number of lines in service change per year.

{¶ 20} Accordingly, the Commission requests comments from interested persons to further assist in the review required by R.C. 111.15 and Executive Order 2011-01K. Comments should be filed, via electronic filing or in hard copy, by May 18, 2018.

{¶ 21} Comments should be limited to the one proposed modification contained in Paragraph 19. The Board will not consider any comments falling beyond the scope of this Entry.

III. ORDER

{¶ 22} It is, therefore,

{¶ 23} ORDERED, That comments regarding the proposed language revision in Paragraph 19 be filed by May 18, 2018. It is, further,

{¶ 24} ORDERED, That a copy of this Entry be served upon all commenters and interested persons of record in this matter.

THE PUBLIC UTILITIES COMMISSION OF OHIO

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Asim Z. Haque, Chairman

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