

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Petition of AT&T Ohio for Order Confirming)
Relinquishment of Eligible Telecommunications Carrier) **Case No. 17-1948-TP-UNC**
Designation in Specified Areas and Request For Waiver)

**AT&T OHIO’S RESPONSE TO THE CONSUMER GROUPS AND TO THE
COMMUNICATIONS WORKERS OF AMERICA, DISTRICT 4**

The Ohio Bell Telephone Company (“AT&T Ohio”) respectfully submits this response to the “Reply to the PUCO Staff’s Report and AT&T Ohio’s Response to the Staff Report” filed by the Greater Edgemont Community Coalition, Ohio Association of Community Action Agencies, the Ohio Poverty Law Center, Southeastern Ohio Legal Services, and the Office of the Ohio Consumers’ Counsel (collectively, “Consumer Groups”) on March 8, 2019 (“Consumer Groups’ Reply”) and to the Comments of the Communications Workers of America, District 4 (“CWA”) filed on March 11, 2019. These filings provide no reason to deny or delay granting AT&T Ohio’s Petition to relinquish its designation as an eligible telecommunications carrier (“ETC”) in specified areas.

Argument

Federal law sets an objective standard for relinquishment of an ETC designation. As long as another ETC serves the relinquishment area, a relinquishment request must be approved. 47 U.S.C. § 214(e)(4). Applying that test, 15 states have already approved ETC relinquishment requests by AT&T ILECs since March 2017, and no states have denied an AT&T ILEC request. After a diligent investigation, Staff’s Report confirmed that there are a number of other ETCs available to serve the relinquishment area at issue here.¹

¹ Staff Report at 11.

That should be the end of the matter, but Staff made a few further proposals that AT&T Ohio addressed in detail in its Response to Staff's Report. As AT&T Ohio explained, it will continue to offer legacy voice service throughout the relinquishment area unless or until AT&T Ohio is authorized to discontinue such service in accordance with FCC rules and state law, and the only practical impact of relinquishment is that AT&T Ohio will no longer offer a Lifeline discount. Subscribers in the relinquishment area who seek to retain their Lifeline discount will therefore need to find another provider, but that is not a cause for concern. In the other 15 states where AT&T ILECs have relinquished their ETC designation, AT&T is not aware of any instance where a customer has complained that he or she could not find another Lifeline provider. And that makes perfect sense, both because other ETCs serve the relinquishment area and because Lifeline customers in general have shown a preference for Lifeline providers other than AT&T. AT&T Ohio lost more than 96% of its Lifeline subscribers from the end of 2008 to November 2018 and continues to lose Lifeline subscribers at the rate of about 20% per year.² Thus, the number of customers affected by AT&T Ohio's relinquishment is both small and shrinking, as customers continue the trend of moving to different Lifeline providers.

Beyond that, AT&T Ohio went even further in addressing Staff's Report by offering additional protections to its few remaining Lifeline customers. Specifically, AT&T offered to extend discounts to any eligible customer who cannot find another ETC until another ETC is available to serve that customer, or one year after relinquishment, or until the lifeline voice discount program ends, whichever comes first.³ That voluntary commitment removes any need to consider the difficulties that would arise from Staff's (and now the Consumer Group's)

² AT&T Ohio Response to Staff Report at 2 & n.3.

³ *Id.* at 5-6.

proposal to designate individual customers as their own ETC areas, a proposal that is both at odds with the law and unworkable, as AT&T Ohio has explained.⁴

The Consumer Groups nevertheless argue (at 10-15) that the Commission can, as Staff suggested, designate AT&T Ohio to remain a “mini-ETC” on a per-customer basis. As AT&T Ohio demonstrated in its response to the Staff Report that view cannot be squared with the language of Section 214, which consistently describes ETC duties on a *geographic* basis, not by specific customers or individual addresses. In addition, Section 214(e)(3), on which Staff and the Consumer Groups rely, refers to areas where no common carrier is willing to offer universal service. That is certainly not the case here. AT&T Ohio has made clear that it will continue providing voice telephone service throughout the relinquishment area⁵ (simply without a Lifeline discount), and, as Staff has found, several other ETCs stand ready to provide Lifeline discounted voice telephone service in the relinquishment area.⁶ In addition, AT&T Ohio’s added commitment, described above, provides ample protection in the unlikely event an individual customer cannot quickly find a new Lifeline provider. Thus, there will be no “unserved areas” in the relinquishment area.

The Consumer Groups (at 4-8) also urge the Commission to defer ruling on AT&T Ohio’s Petition until the FCC resolves the notice of proposed rulemaking in which it sought comment on whether to stop providing Lifeline support for voice service to resellers. As AT&T Ohio showed in its response to Staff, however, there is no basis for indefinitely staying AT&T

⁴ *Id.* at 4-5.

⁵ As AT&T Ohio has stated, granting AT&T Ohio’s ETC relinquishment request does not permit AT&T Ohio to discontinue offering legacy telephone service.

⁶ Staff Report at 11 (“Staff has determined that there are other ETCs in the relinquishment area that claim to offer service in each of the AT&T exchanges. In addition, at least one other ETC likely has the practical ability to serve AT&T’s current Lifeline customers.”).

Ohio's Petition when there is no way of knowing when the FCC might act, much less what it might do.⁷ Indeed, it is uncertain whether the FCC will act at all, given that Lifeline discounts on voice service will end in almost all cases on December 1, 2021, and the FCC may simply let that clock run out without doing anything on the reseller issue. Given these facts, there is no justification for any delay. The Commission should apply the law in place today and rule on AT&T Ohio's Petition now.

The Consumer Groups' final argument (at 8-10) is that AT&T Ohio Lifeline subscribers in the relinquishment area should be given 120 days, rather than 60 days, to find another Lifeline provider. Consumer Groups' Motion at 9-10. They assert that the situation for Lifeline customers would be similar to the situation for consumers whose telephone company is withdrawing basic service, who have 120 days to find replacement service. *Id.*, citing R.C. 4927.10(A)(1). The Consumer Groups' proposal has no merit. As has been typical for AT&T ILECs in other states, AT&T Ohio will provide its Lifeline subscribers in the relinquishment area 60 days' advance notice prior to the relinquishment.⁸ Under Staff's proposal, those same customers would also receive a 60-day grace period *after* relinquishment to seek Staff's help to find a new Lifeline provider. Staff Report at 11. Those two 60-day periods already give consumers sufficient time to seek another Lifeline provider, and, as noted above and in AT&T Ohio's response to the Staff Report, AT&T is not aware of any customers in other states complaining that they could not find a new Lifeline provider after AT&T's ETC relinquishment. Furthermore, AT&T Ohio has committed here to further protect affected Lifeline subscribers by, if necessary, continuing to provide a discount for up to a year after relinquishment in the unlikely

⁷ AT&T Ohio Response to Staff Report at 6-7.

⁸ AT&T Ohio Petition, ¶ 24.

event there are subscribers who cannot find a new Lifeline provider within 60 days.⁹ In light of the experience in other states and AT&T Ohio's added commitment here, there is no need to adopt a 120-day post-relinquishment grace period.

As for the CWA's Comments, AT&T Ohio has already responded to all the points raised by the CWA and will not repeat those arguments here. It is sufficient to say that the CWA raises nothing new and presents nothing that would justify further delay of an order granting AT&T Ohio's Petition.

Conclusion

For the reasons stated, AT&T Ohio respectfully asks the Commission to promptly approve AT&T Ohio's Petition, subject to the modifications stated in AT&T Ohio's Response to Staff's Report (at 10-11).

Dated: March 11, 2019

Respectfully Submitted,

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⁹ AT&T Ohio Response to Staff Report at 5-6.

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Summary: Response AT&T OHIO'S RESPONSE TO CONSUMER GROUPS electronically filed by Mr. Mark R Ortlieb on behalf of Ohio Bell Telephone Company and AT&T Ohio