

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**AT&T OHIO’S MEMORANDUM CONTRA  
TO OCC’S APPLICATION FOR REHEARING**

The Ohio Bell Telephone Company (“AT&T Ohio”) respectfully submits this Memorandum Contra to the Application for Rehearing (“AFR”) filed by the Greater Edgemont Community Coalition, the Office of the Ohio Consumers’ Counsel, Ohio Association of Community Action Agencies, Ohio Poverty Law Center, and Southeastern Ohio Legal Services (collectively, “Consumer Groups”). The Consumer Groups’ arguments lack merit and provide no basis to alter the Commission’s Finding and Order (“Order”) allowing AT&T Ohio to partially relinquish its designation as an eligible telecommunications carrier (“ETC”).

**ARGUMENT**

As a preliminary matter, the Consumer Groups misstate the facts, claiming that “[a]pproximately 7,000 Ohioans are about to lose their Lifeline service through no fault of their own” as a result of “AT&T Ohio not wanting to serve low-income customers at discounted rates anymore.” AFR Mem. at 1, 7. That is false. As explained in AT&T Ohio’s Petition and throughout this case, AT&T Ohio’s request is driven by changes in FCC rules and in the marketplace, where customers have overwhelmingly shifted to carriers other than AT&T Ohio for their Lifeline service.<sup>1</sup> AT&T Ohio’s still-declining number of Lifeline customers in the

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<sup>1</sup> From the end of 2008 to the end of 2018, AT&T Ohio’s Lifeline subscribership declined by more than 96%, from 185,819 to 6,971. During that same period, overall Ohio Lifeline subscribership increased over 44%, from 279,260 to 403,130. These figures prove that Lifeline-eligible Ohio consumers are well aware of the options available to them, and that most prefer to obtain their Lifeline discount from carriers other than AT&T Ohio.

relinquishment area will be able to switch to other ETCs to obtain Lifeline discounts, as so many have done before them, and no customer will be left without a voice service option.

The Consumer Groups' arguments for rehearing fare no better than their hyperbole. They first argue that the Commission's decision rests on allegedly "suspect" data, meaning the FCC's wireless coverage data, and that the decision therefore lacks record support. AFR Mem. at 3-5. That claim fails. The Commission based its conclusion not only on the FCC wireless coverage data, but also on the commitments by other ETCs to serve the relinquishment area. Order, ¶¶ 24-26, 67. There is no reason the Commission should not be able to rely on those ETCs' commitments as showing that alternative ETCs serve the relinquishment area, which is all that 47 U.S.C. § 214(e)(4) requires. Moreover, the fact that the FCC is further investigating wireless coverage data does not mean that the data the Commission and Staff relied on as part of their analysis is "suspect" and cannot be used for any purpose. Nor has the FCC conclusively found any of the wireless coverage data to be inaccurate. In any event, the additional consumer protections required by the Order will further ensure that no current AT&T Ohio Lifeline customer in the relinquishment area is left without Lifeline-discounted voice service.

The Consumer Groups next contend that the Order's requirement that AT&T Ohio provide a Lifeline discount for up to one year after the date of relinquishment to any customer that cannot find an alternate ETC is insufficient. AFR Mem. at 5-6; *see* Order, ¶¶ 54, 69. That claim, however, has nothing to do with whether AT&T Ohio has met the legal standard for relinquishment. Rather, the potential for an extended Lifeline discount to be provided to an AT&T Ohio customer in the relinquishment area is simply an additional protective measure that AT&T Ohio voluntarily proposed. While the Consumer Groups might prefer that the requirement last longer or indefinitely, the one-year period is a reasonable accommodation to

address a situation that in all likelihood will never arise, given the steady exodus of Lifeline customers from AT&T Ohio to other ETCs over the past several years. *See* Order, ¶ 37. There is no legal error, and nothing unreasonable, in the Commission adopting AT&T Ohio's offer to go beyond what the federal relinquishment test requires.

The Consumer Groups' final argument is that the Commission should have required AT&T Ohio to continue providing Lifeline-discounted voice service until alternate ETCs can construct facilities to reach unserved customers. AFR at 6-7. That claim is irrelevant, for the Order does not identify any area where new construction is needed to ensure that AT&T Ohio Lifeline customers will continue to have access to voice service after relinquishment. To the contrary, other ETCs already exist with the capability and the commitment to serve customers in the relinquishment area, including the relatively small number of AT&T Ohio Lifeline subscribers who elect to obtain their Lifeline discount from another provider. Order, ¶¶ 24-26, 67. In addition, of course, AT&T Ohio will continue to provide the same basic voice services it provides today (albeit without a Lifeline discount) unless or until AT&T Ohio receives permission to discontinue such service in accordance with FCC rules, thereby ensuring that no existing AT&T Ohio Lifeline customer will be left without voice service.

### **CONCLUSION**

The Consumer Groups' Application for Rehearing has no merit and should be denied.

Dated: April 22, 2019

Respectfully Submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served this 22<sup>nd</sup> day of April 2019 by U.S. Mail and/or electronic mail on the parties shown below.

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Summary: Memorandum AT&T Ohio's Memorandum Contra to OCC's Application for Rehearing electronically filed by Mr. Mark R Ortlieb on behalf of AT&T Ohio and Ohio Bell Telephone Company