

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's)	
Review of Chapter 4901:1-6 of the Ohio)	Case No. 14-1554-TP-ORD
Administrative Code, Regarding)	
Telephone Company Procedures and)	
Standards.)	

**COMMENTS
BY
THE LEGAL AID SOCIETY OF CLEVELAND,
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL,
PRO SENIORS, INC., AND
SOUTHEASTERN OHIO LEGAL SERVICES**

I. INTRODUCTION

Consumers' access to basic telephone service and 9-1-1 emergency services is in the public interest and is protected by Ohio law and federal rules.¹ Rules of the Public Utilities Commission of Ohio ("PUCO") help promote consumers' access to basic service and 9-1-1 service. The Legal Aid Society of Cleveland, the Office of the Ohio Consumers' Counsel, Pro Seniors, Inc., and Southeastern Ohio Legal Services (collectively, "Consumer Groups") support the PUCO's efforts in this regard.

In this case, the PUCO has conducted a rulemaking on its telephone rules. It now seeks comment on specific proposed changes to three rules: Ohio Adm. Code 4901:1-6-02, 4901:1-6-07, and 4901:1-6-21. Consumer Groups recommend changes to the latter two rules.²

¹ R.C.4927.02(A)(1); R.C. 4927.01(A)(1)(b)(iv); 47 C.F.R. §54.101(a)(1).

² Specific changes to rules are underlined in these Comments.

II. RECOMMENDATIONS

- A. **The customer notices concerning withdrawal of basic service or discontinuance of voice service should be mailed to consumers separately from their telephone bills and should be prominently identified as a notice of service withdrawal or discontinuance.**

The PUCO proposes rules concerning notice to customers when a telephone company is withdrawing basic service or discontinuing voice service to customers. Proposed Ohio Adm. Code 4901:1-6-07(C) provides a telephone company withdrawing basic service to customers must give the customers 120 days' notice. Under the rule, the notice "shall be provided via direct mail or, if the customer consents, via electronic means."

The proposed rule, however, does not require that the notice to customers be separate from the monthly bills mailed to customers. Monthly bills, including electronic bills, may contain numerous inserts and other messages. Because of this jumble of communications, a notice that the customers' basic service will soon be withdrawn might be overlooked.

The PUCO should require that telephone companies send the 120-day notice required under the rule to customers as a separate communication from the monthly bill. The envelope or subject line of the email should prominently inform customers that their basic service will soon be withdrawn. Consumer Groups recommend the following changes to proposed Ohio Adm. Code 4901:1-6-07(C):

For withdrawal of BLES by an incumbent local exchange carrier (ILEC), the ILEC shall provide at least one hundred and twenty days advance notice to its affected customers in accordance with rule 4901:1-6-21 of the Administrative Code. The notice must explain how the customer is directly impacted and any customer action necessary as a result of the application. The notice shall be provided via direct mail or, if the customer consents, via electronic

means. The notice shall be sent to the customer in a communication separate from the customer's monthly bill and shall be prominently identified on the envelope or the subject line of the electronic communication as a notice that the customers' BLES is being withdrawn.

Similarly, the notice in proposed Ohio Adm. Code 4901:1-6-07(J) does not adequately notify customers that their voice service will be discontinued. Consumer Groups recommend the following change to this rule:

A provider of voice service shall provide to the Commission and all affected customers not less than thirty days' notice of any planned discontinuance of such service. Such notice shall be in writing and shall be provided to the director of the service monitoring and enforcement department, the chief of the telecommunications and technology division of the rates and analysis department, and the chief of the telecommunications section of the legal department. Notice may be provided via e-mail, facsimile, overnight mail, or hand delivery. The notice shall be sent to the customer in a communication separate from the customer's monthly bill and shall be prominently identified on the envelope or the subject line of the electronic communication as a notice that the customers' BLES is being withdrawn. Submission of a copy of any notice required under federal law constitutes sufficient notice under this rule.

Communications with customers about this important imminent change to their basic telephone service and 9-1-1 emergency services must be required by the PUCO to be done in a manner that clearly and effectively puts consumers on notice of this change.

- B. If a voice service provider withdraws or abandons service to a customer and the customer would have no access to 9-1-1 service, the PUCO should treat the customer the same as a customer of withdrawn basic service and attempt to find a willing provider of service to the customer.**

Earlier in this case, the PUCO had adopted Ohio Adm. Code 4901:1-6-21(G) that could make the withdrawal of voice service subject to the same process as the withdrawal of basic service if the PUCO determined that the voice service is the only access to 9-1-1

service for one or more residential customers. The PUCO now proposes to delete the rule.

If a telephone company withdraws basic service, the PUCO must assist the company's basic service customers in finding a willing provider of new service.³ Residential customers of voice service that is being withdrawn should be treated the same as residential customers of basic service that is being withdrawn. Their health and safety should not be jeopardized simply because their voice service provider would prefer to no longer serve them. When residential customers' only access to 9-1-1 service is via a voice service that is being discontinued, the PUCO should assist the customers in finding a willing provider of service to their homes.

III. CONCLUSION

The PUCO's rules should protect consumers when their telephone service is being withdrawn or discontinued. The Consumer Groups' recommendations will help enhance the consumer protections in the proposed rules. The PUCO should adopt the Consumer Groups' recommendations.

³ R.C. 4927.10(B)(1)(a).

Respectfully submitted,

/s/ Anne M. Reese per authorization

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments were served on the persons stated below via electronic transmission this 17th day of July 2019.

/s/ Terry L. Etter

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Summary: Comments Comments by The Legal Aid Society of Cleveland, The Office of the Ohio Consumers' Counsel, Pro Seniors, Inc., and Southeastern Ohio Legal Services electronically filed by Ms. Deb J. Bingham on behalf of Etter, Terry L.