

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**REPLY COMMENTS OF
THE OHIO CABLE TELECOMMUNICATIONS ASSOCIATION**

The stakeholder comments filed on July 17, 2019, were largely consistent in response to the most recent rule proposals for Chapter 4901:1-6 of the Ohio Administrative Code for implementation of the process by which incumbent local exchange carriers (“ILECs”) can withdraw their basic local exchange service (“BLES”). The majority of those comments – filed by organizations that represent numerous diverse entities affected by Ohio’s telecommunications statutes and regulations – support rules that conform with the BLES withdrawal process allowed in 2015 by Amended Substitute House Bill 64 of the 131st General Assembly (“House Bill 64”). The fact that there is much consistency among the commenters should be very telling to the Commission. Below is summary:

- All commenters support or did not object to newly proposed Rule 6-21 with provisions (F) and (G) not included.¹
- Most commenters recommend rejection of proposed Rules 6-02(C) and 6-07(J) because they would illegally regulate voice over internet protocol (“VoIP”) service providers who are not subject to Commission regulation today.²

¹ See AT&T Ohio (“AT&T”) Comments at 1; Ohio Telecom Association (“OTA”) Comments at 2 at footnote 1; and Consumer Advocates (Legal Aid Society of Cleveland, OCC, Pro seniors, and Southeastern Ohio Legal Services) Comments at 3-4. The Consumer Advocates addressed proposed Rule 6-21 and did not object to the removal of proposed Rule 6-21(F) and (G).

² See AT&T Ohio Comments at 2-3; OTA Comments at 2-4; and OCTA Comments at 3-7.

- The OCTA and AT&T both recommend elimination of proposed Rule 6-02(D) since it is unnecessary.³

The OCTA files these reply comments to respond to the alternative proposal in AT&T's comments regarding proposed Rules 6-02(C) and 6-07(J). Like the OCTA, AT&T's first position is that the Commission not adopt these provisions as proposed.⁴ AT&T did not present language for all of its alternative proposal, but suggested adding clarification in Rule 6-07(J). It seems that A&T is suggesting something similar to the following:

A provider of voice service shall provide notice 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 consistent with any voice service withdrawal requirements that apply to it. Nothing in this rule imposes additional, or different, regulations on a voice service when it is being withdrawn.~~ Notice to the commission may be provided via e-mail, facsimile, overnight mail, or hand delivery. Submission of a copy of any notice required under federal law constitutes sufficient notice under this rule.

While the OCTA's preference is the Proposed Rule 6-07(J) be removed entirely to provide the clearest set of rules, the OCTA would not object to the Commission adopting some clarification language in proposed Rule 6-07(J). A properly structured clarification within the rules along the line of what AT&T has suggested could be helpful and the OCTA would not object to the first sentence in Rule 6-07(J) as revised above. However, AT&T's suggestion in Rule 6-07(J) for a multi-prong approach for providing the customer notices to the PUCO should not be adopted. It conflicts with Rule 6-07(D), which already requires submission of the customer notices to a special PUCO email address. AT&T did not otherwise cite to a need to change Rule 6-07(D) and there is no need to add conflicting options in Rule 6-07(J). If the Commission decides to incorporate Rule

³ See AT&T Ohio Comments at 3 and OCTA Comments at 7-8.

⁴ AT&T Comments at 2.

6-07(J), it should not include AT&T's suggestion that "[n]otice to the commission may be provided via e-mail, facsimile, overnight mail, or hand delivery."

AT&T's alternative for Rule 6-02(C) would state: "A provider of interconnected voice over internet protocol-enabled service is exempt from all rules in Chapter 4901:1-6 of the Administrative Code, except for ~~rule 4901:1-6-36 (TRS)~~ division J of rules 4901:1-6-07 (customer notice requirements) and rule 4901:1-6-36 (TRS) of the Administrative Code." This AT&T change to Rule 6-02(C) suggests further regulation of VoIP providers when further regulation has not been justified, nor has it actually occurred. It creates confusion and will only prompt more debate. This is an inappropriate change. Instead, the Commission should not adopt a revision to Rule 6-02(C).

Altogether, the Commission should adopt Proposed Rule 6-21, which excludes provisions (F) and (G). And, the AT&T alternative proposals for Rules 6-02(C) and 6-07(J) should not be adopted. If, however, the Commission seeks to revise Rule 6-07(J), it should follow the recommendation above of the OCTA, and the OCTA's recommended approach for the three administrative rules as set forth in the OCTA's initial comments filed July 17, 2019.

Respectfully submitted,

/s/ Gretchen L. Petrucci

Gretchen L. Petrucci (0046608)
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
P.O. Box 1008
Columbus, OH 43216-1008
614-464-5407
glpetrucci@vorys.com

*Attorneys for the Ohio Cable
Telecommunications Association*

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matthew.myers@upnfiber.com
ejacobs@ablelaw.org
terry.etter@occ.ohio.gov
plee@oslsa.org
mo2753@att.com
cblend@porterwright.com
barth.royer@aol.com
dhart@douglasshart.com

nmorgan@lascinti.org
patrick.crotty@cinbell.com
msmalz@ohiopoveritylaw.org
fdarr@mwncmh.com
mwalters@proseniors.org
william.haas@t-mobile.com
david.vehslage@verizon.com
john.jones@ohioattorneygeneral.gov

/s/ Gretchen L. Petrucci

Gretchen L. Petrucci

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Summary: Comments Reply Comments electronically filed by Mrs. Gretchen L. Petrucci on behalf of Ohio Cable Telecommunications Association