

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of XO)	Case No.20-0719-TP-ATA
Communications Services, LLC to revise)	
its Local Exchange Services Tariff)	

**REVIEW AND RECOMMENDATION
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

On April 7, 2020, XO Communications Services, LLC (Applicant) filed an application to revise its Local Exchange Services tariff, PUCO No. 5, to introduce grandfathering language for services¹ offered to federal, state and local government agencies, and educational institutions (customers). The language states that effective May 8, 2020, these services will no longer be available to new customers. Further, moves, additions, or changes will no longer be permitted for existing customers.

The proposed tariff revisions contain material changes to the tariff for which the Applicant provided notice to its customers as required by Ohio Adm.Code 4901:1-6-07. The Applicant's customers were notified of the proposed grandfathering of service via bill message prior to the onset of coronavirus. While the Applicant stated that customer interest in the services subject to grandfathering has been of declining for some time, it further indicated that none of its customers presently subscribing to these services will be negatively impacted by this change during the coronavirus pandemic. The Applicant also assured that should any existing customer find it necessary to move, add or change a grandfathered service during the duration of any federal or state executive order declaring a state of public health emergency, it is committed to working with that customer to meet the customer's needs past the effective date of the tariff revision, or alternatively, to assist the customer in finding a comparable service through another Verizon provider, to ensure that the customers' business operations can continue uninterrupted during the crisis.

¹ Affected services include, but are not limited to, Business Service Basic Business, Business Services Basic Business Local Line Service, and Business Services Basic Business Multi-Line Service. A full listing of affected services is available at <http://dis.puc.state.oh.us/TiffToPDF/A1001001A20D07B11258I01081.pdf>.

The application is being filed pursuant to Ohio Adm.Code 4901:1-6-14(I)(2). Absent full or partial suspension, applications for tariff approval for material change in the terms and conditions of an existing BLES by a LEC (ATA) are approved in accordance with the thirty-day automatic approval process set forth in Ohio Adm.Code 4901:1-6-05. However, on March 16, 2020, in response to the COVID-19 pandemic, an attorney examiner entry was issued in Case No. 20-0591-AU-UNC that tolled any pending application or other filing during the state of emergency and during the 14 days thereafter. During that time, Commission staff are to continue investigating pending applications and the Commission will act on such applications on a case-by-case basis. A subsequent attorney examiner entry was issued in that case on May 20, 2020, which terminates the tolling requirement effective June 1, 2020. Applications filed during the tolling period, which are approved with an automatic approval process that were filed during the tolling period, remain subject to the automatic approval process following the tolling period's termination on June 1, unless earlier acted upon by the Commission.

Staff reviewed all documents and exhibits filed with this application and has determined that the proposed application appears to satisfy the Commission's requirements set forth Ohio Adm.Code 4901:1-6-14(I)(2) and 4901:1-6-07. Staff recommends that this application be approved in accordance with the attorney examiner entries issued on March 16 and May 20, 2020, in Case No. 20-0591-AU-UNC with the grandfathering of services effective no earlier than the Applicant's filing of final tariff pages.

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Summary: Staff Review and Recommendation electronically filed by Jason Well on behalf of PUCO Staff