

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of AT&T Ohio)
For a Waiver of Division (B) of Section) Case No. 20-1139-TP-WVR
4901:1-6-15, Ohio Administrative Code.)**

AT&T OHIO’S REPLY COMMENTS

AT&T Ohio,¹ AT&T Corp., and Teleport Communications America, LLC (collectively, “AT&T”), by their attorneys, submit these reply comments in connection with their requested rule waiver. Initial comments were filed jointly by Citizens Coalition COHHIO, Pro Seniors, Inc., Southeastern Ohio Legal Services, The Legal Aid Society of Cleveland, and the Office of the Ohio Consumers’ Counsel (collectively, the “Consumer Groups”), the Ohio Telecom Association (“OTA”), the Ohio Rural Broadband Association (“ORBA”), and CenturyLink.

Only the Consumer Groups stand in opposition to AT&T’s waiver request. The other three commenting parties support the request with further arguments as to why it is reasonable and should be granted.

The Consumer Groups argue that AT&T’s request would add inconvenience and risk for some of its most vulnerable customers: seniors, low-income consumers, and minorities. Consumer Groups, p. 2. But AT&T has demonstrated that the alternative sources of white pages directory listings are widely available, easily accessed, and most often are free. Not mentioned in its application is the fact that there is at least one unaffiliated source of free directory assistance, 1-800-FREE411. This is an advertising-supported source for directory listings. Also, many low-income customers (*i.e.*, those that do not enroll in the lifeline program for their landline telephone) qualify for free or heavily discounted mobile phones that include internet access. None of this equates to inconvenience and risk for any customer or group of customers.

¹ The Ohio Bell Telephone Company uses the name AT&T Ohio.

The Consumer Groups suggest that to justify the requested waiver, AT&T must show what distributing printed white pages directories costs the company. Consumer Groups, p. 3. There is no such showing required. Good cause can, and has been, demonstrated without a cost showing. AT&T's continued financial support for its printed white pages operations cannot be justified. Only four states among AT&T's 21-state ILEC footprint, California, Michigan, Nevada, and Ohio, retain a printed directory requirement.

CenturyLink echoes these facts in noting that state commissions around the country have recognized that better directory information is available online, and that limited demand for printed directories no longer justifies the cost and administrative burden of providing them, including Alabama, Arkansas, Georgia, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Wisconsin. CenturyLink, pp. 1-2. These states have gone to all digital residential White Page directories without adverse impact on consumers.

The Consumer Groups' claim that one-third of AT&T's basic local exchange service ("BLES") customers in Ohio requested a directory highlights a minor error in AT&T's application. Consumer Groups, p. 4. AT&T should have said that "of the roughly 16,000,000 subscriber lines in Ohio, less than **0.6%, or 96,000**, are BLES customers." Application, p. 4. Accordingly, just over **3% – and not one-third** – of AT&T's BLES customers requested a printed directory in 2019. This does not show that printed directories are still important to BLES customers, as the Consumer Groups allege. Consumer Groups, p. 4. Rather, it shows that the demand for, and the utility of, a printed white pages directory is extremely limited.

The Consumer Groups believe that BLES customers will lose access to the "Customer Guide" information and numbers if the requested waiver is granted. Consumer Groups, p. 4.

This is simply not true. The Yellow Pages directory and/or Business White Pages directories, which include customer guide information and emergency and other governmental numbers in the front of the directory, continue to be published and distributed throughout AT&T's Ohio service territory via direct delivery or U.S. mail. The Yellow Pages directory is also available for pick-up at various locations, including grocery stores and convenience stores.

The important point here is that BLES customers have reasonable and free alternatives to the receipt of a printed residential white pages directory, as demonstrated in the waiver request. In its supporting comments, ORBA says it well: "The availability of directory information and the means by which customers can access that information have changed, and with those changes, the Commission should recognize that a mandatory requirement for a paper directory upon request is no longer justified." ORBA, p. 1.

It must also be remembered that the white pages directory has greatly diminished in value over the years. It does not include most wireless numbers, while wireless phones represent 60-80% of the total lines in service. The National Center for Health Statistics reports that over 59% of adults live in wireless-only households.² Thus, the current white pages directory provides the numbers of only a small portion of telephone users, and that small portion continues to shrink every year.

The OTA correctly points out that directory information helps customers to realize the benefits of basic local exchange and bundled telecommunications services. OTA, p. 1. The OTA recognizes that to meet that need, many electronic versions of directories have emerged

² Blumberg SJ, Luke JV. Wireless substitution: Early release of estimates from the National Health Interview Survey, January–June 2019. National Center for Health Statistics. May 2020, at p. 1. Available from: <https://www.cdc.gov/nchs/nhis.htm>.

and replaced printed directories. *Id.* Clearly, the demand for a printed directory is such that the costs associated with making one available on request is no longer be justified.

The Consumer Groups' focus on the digital divide is not persuasive. Consumer Groups, p. 5. Significant federal, state, and private investment is addressing the areas of Ohio that are unserved or underserved by broadband services, including the FCC's new, \$20 billion Rural Digital Opportunity Fund. Wireless broadband access, via a federally subsidized smartphone, is another option for low-income customers to get internet access.

The Consumer Groups characterize AT&T's request as a "very late and unlawful application for rehearing" of the Commission's orders adopting the rule in question. Consumer Groups, p. 5. The Consumer Groups are wrong again. AT&T has filed an application for a waiver of the rule; it is not seeking rehearing of any Commission order. One can certainly seek a waiver of a rule, regardless of whether one supported or opposed its original adoption. And, as ORBA notes in its supporting comments, the waiver request arises out of an administrative rule of the Commission, rather than a statutory requirement. ORBA. p. 1; *accord*, OTA, p. 1.

For all the foregoing reasons, and those contained in its application for waiver, AT&T requests that its application be granted.

Dated: July 8, 2020

Respectfully Submitted,

AT&T Ohio, AT&T Corp., and Teleport
Communications America, LLC

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CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served on July 8, 2020 by U.S. Mail and/or electronic mail on the parties shown below.

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Summary: Comments AT&T OHIO'S REPLY COMMENTS electronically filed by Mr. Mark R Ortlieb on behalf of AT&T Ohio and AT&T Corp. and Teleport Communications America, LLC and Ohio Bell Telephone Company