

**Before the Public Utilities Commission of Ohio**

**In the Matter of the Annual  
Reports for the Fiscal  
Assessment of  
Telecommunications Relay  
Service for Calendar Year  
2019**

**Case No. 20-03-TP-RPT**

**In the Matter of the  
Adoption of Rules for the  
Telecommunications Relay  
Service Assessment  
Pursuant to R.C. 4905.84**

**Case No. 08-815-TP-ORD**

**Application for Rehearing of Continental Telephone Company, Oakwood Telephone  
Company, Vanlue Telephone Company, and Arcadia Telephone Company**

**Frank P. Darr (Reg. No. 0025469)  
6800 Linbrook Blvd.  
Columbus, Ohio 43235  
614-390-6750  
Fdarr2019@gmail.com  
(willing to accept service via email)**

**September 25, 2020**

**Attorney for Continental Telephone Company,  
Oakwood Telephone Company, Vanlue  
Telephone Company, and Arcadia Telephone  
Company**

**Before the Public Utilities Commission of Ohio**

**In the Matter of the Annual  
Reports for the Fiscal  
Assessment of  
Telecommunications Relay  
Service for Calendar Year  
2019**

**Case No. 20-03-TP-RPT**

**In the Matter of the  
Adoption of Rules for the  
Telecommunications Relay  
Service Assessment  
Pursuant to R.C. 4905.84**

**Case No. 08-815-TP-ORD**

**Application for Rehearing of Continental Telephone Company, Oakwood Telephone  
Company, Vanlue Telephone Company, and Arcadia Telephone Company**

Under R.C. 4903.10, Continental Telephone Company, Oakwood Telephone Company, Vanlue Telephone Company, and Arcadia Telephone Company (“Companies”) seek rehearing of the orders of the Public Utilities Commission of Ohio (“Commission”), entered on the Journal of the Commission on August 26, 2020, in which the Commission found the Companies failed to comply with the Commission’s order to file a 2019 telecommunications relay service form by April 30, 2020, directing them to file those forms before September 25, 2020, and assessing the civil forfeiture of \$1000 against each company. The orders are unlawful and unreasonable for the following reasons:

1. The finding of the Commission finding that Continental Telephone Company, Oakwood Telephone Company, Vanlue Telephone Company, and Arcadia Telephone Company did not file a 2019 telecommunications relay service form is unlawful and unreasonable

because the Companies complied with the order by filing the requested forms with the Commission as required by the Commission entry of January 29, 2020.

2. The order of the Commission directing Continental Telephone Company, Oakwood Telephone Company, Vanlue Telephone Company, and Arcadia Telephone Company to file telecommunications relay service forms by September 25, 2020 is unlawful and unreasonable because the Companies complied with the order by filing the requested forms with the Commission as required by the Commission entry of January 29, 2020.
3. The order of the Commission assessing Continental Telephone Company, Oakwood Telephone Company, Vanlue Telephone Company, and Arcadia Telephone Company a civil forfeiture is unlawful and unreasonable because the alleged failure to comply with a Commission order on which each forfeiture is based is not based on an actual violation of any Commission order as required by R.C. 4905.54 or R.C. 4905.84.

Accordingly, the Commission should grant rehearing, find that Continental Telephone Company, Oakwood Telephone Company, Vanlue Telephone Company, and Arcadia Telephone Company complied with the Commission's January 29, 2020 Entry to file telecommunications relay service reporting forms, reverse its order directing them to file the same information again, and reverse its assessment on each of these companies of forfeitures of \$1000.

Respectfully submitted,

/s/ Frank P. Darr

Frank P. Darr (Reg. No. 0025469)

6800 Linbrook Blvd.

Columbus, Ohio 43235

614-390-6750

Fdarr2019@gmail.com

(willing to accept service via email)

Attorney for Continental Telephone Company,  
Oakwood Telephone Company, Vanlue Telephone  
Company, and Arcadia Telephone Company

**Memorandum in Support of Application for Rehearing of Continental Telephone Company, Oakwood Telephone Company, Vanlue Telephone Company, and Arcadia Telephone Company**

Under R.C. 4905.84, the Public Utilities Commission of Ohio issued an entry on January 29, 2020 in these cases that directed all service providers required under federal law to provide customers with access to telecommunications relay serve to complete and submit through the Commission's web-based filing system known as the PUCO Community a telecommunications relay service reporting form by April 30, 2020.

In response to that order, the TDS affiliated companies operating in Ohio, as they have in prior years, submitted under the TDS name, the reports for its Ohio telephone companies, Continental Telephone Company, Oakwood Telephone Company, Vanlue Telephone Company, Arcadia Telephone Company, and Little Miami Communications Corporation. See acknowledgement of filing attached as Exhibit A. Following the receipt of the Entry at issue here, a TDS representative has confirmed with Commission staff that in fact the Commission received the required forms for each of the five Ohio telephone companies and that the filing was timely received.

On August 26, 2020, the Commission issued an Entry finding that several companies had failed to comply with the Commission directive to file a telecommunications relay service form. Despite the fact that TDS had filed for each of its affiliates the required form, the Commission identified four affiliates, Continental Telephone Company, Oakwood Telephone Company, Vanlue Telephone Company, and Arcadia Telephone Company, as having failed to comply with the Commission's order. Entry, Attachment B (Aug. 26, 2020). Based on the errant finding that the four companies had not complied with the order to file a telecommunications relay form, the

Commission also assessed a forfeiture of \$1000 on each of the Companies and directed each Company to file a 2019 form. *Id.* at 4. The Commission delayed the effective date of the forfeitures for 30 days to afford companies an opportunity to file an application for rehearing under R.C. 4903.10.

Under R.C. 4903.10, the Commission may grant rehearing and abrogate or modify its prior order if it finds that its order in any respect is unjust or unwarranted or should be changed.

Rehearing in regard to the orders in the August 26, 2020 Entry as applied to Continental Telephone Company, Oakwood Telephone Company, Vanlue Telephone Company, and Arcadia Telephone Company is justified since the Commission's finding and assessment of the forfeiture is based on a factual error that the Companies did not timely comply with the Commission's January 29, 2020 Entry to file telecommunications relay service forms. As demonstrated above, the Companies complied with the Commission's order to file the telecommunications relay service forms and the filings were timely. Thus, there is no factual or legal basis for finding that the Companies failed to comply with the Commission's orders or to direct the Companies to refile the information.

Further, the assessment of forfeitures is unlawful and unreasonable. The Commission assessed the forfeitures in this proceeding based on R.C. 4905.54 and R.C. 4905.84. Entry at 4 (Aug. 26, 2020). R.C. 4905.54 is inapplicable since it does not extend forfeiture authority to an alleged violation of Chapter 4905. Although R.C. 4905.84 separately authorizes a forfeiture for a violation of that section's requirements, that section permits a forfeiture only if the Commission lawfully determines that a service provider has failed to comply with the requirements of the section. The statute itself only imposes a duty to pay an assessment, not to file a form on which an assessment is based. If it is assumed for purposes of this proceeding that

the Commission may assess a forfeiture for failure to file the telecommunications relay form, which is the premise of the Commission's August 26, 2020 Entry, however, the assessment of the forfeitures in this instance is not lawful and reasonable because Continental Telephone Company, Oakwood Telephone Company, Vanlue Telephone Company, and Arcadia Telephone Company complied with the filing requirement.

To correct the errors in the Commission's Entry of August 26, 2020, the Commission should grant rehearing, find that Continental Telephone Company, Oakwood Telephone Company, Vanlue Telephone Company, and Arcadia Telephone Company complied with the Commission's January 29, 2020 Entry to file telecommunications relay service reporting forms, reverse its order directing them to file the same information again, and reverse its assessment on each of these companies of forfeitures of \$1000.

Respectfully submitted,

/s/ Frank P. Darr

Frank P. Darr (Reg. No. 0025469)

6800 Linbrook Blvd.

Columbus, Ohio 43235

614-390-6750

Fdarr2019@gmail.com

(willing to accept service via email)

Counsel for Continental Telephone Company,  
Oakwood Telephone Company, Vanlue Telephone  
Company, and Arcadia Telephone Company

## **CERTIFICATE OF SERVICE**

In accordance with Rule 4901-1-05, Ohio Administrative Code, the Commission's e-filing system will electronically serve notice of the filing of the Application for Rehearing of Continental Telephone Company, Oakwood Telephone Company, Vanlue Telephone Company, and Arcadia Telephone Company upon the interested parties, this 25th day of September 2020 as provided by the Commission's service notification which is incorporated herein by reference. In addition, service by regular mail has been given to all parties that have entered an appearance in the proceeding as listed below.

*/s/ Frank P. Darr*

\_\_\_\_\_  
Frank P. Darr

Thomas Bellish  
Buckeye Energy Brokers, Inc.  
66 East Mill Street  
Akron, Ohio

William Adams  
Baily Cavalieri LLC  
Suite 2100  
Columbus, Ohio 43215

Kenneth Rosselet  
7390 Mapleleaf Blvd.  
Columbus, Ohio 43234-4330

Attorney General of Ohio  
Section Chief, Public Utilities Section  
180 East Broad Street  
Columbus, Ohio 43235

Joey Hazenfield  
Professional Telecommunications Services, Inc.



2119 Beechmont Avenue  
Cincinnati OH 45230

Teresa Orahood  
Bricker & Eckler LLP  
100 South Third Street  
Columbus OH 43215-4291

Convergia, Inc.  
237 Hymus Blvd.  
Pointe-Claire, Canada

Douglas E. Hart, Attorney at Law  
441 Vine Street Suite 4192  
Cincinnati OH 45202

Maryann Mackey  
AT&T  
6889 Snowville Road Floor 3 - Room 001  
Brecksville OH 44141

The Ferris Law Group Llc  
P.O. Box 940  
Worthington Oh 43085

Jon Kelly  
AT&T Services, Inc.  
150 E. Gay St., Rm. 4-A  
Columbus OH 43215

Andrew O. Isar  
Miller Isar, Inc.  
4304 92nd Avenue NW  
Gig Harbor WA 98335

Cincinnati Bell Wireless LLC  
221 East 4th Street Suite 103-100  
Cincinnati Oh 45202

Northeastern Its LLC  
Bruce Deer  
800 Woodlands Pkwy Ste 102  
Ridgeland Ms 39157-5215

Stephen Howard  
Vorys Sater  
52 E. Gay Street  
Columbus, Ohio 43215



[HOME \(/S/\)](#)   [NOTICES \(/S/NOTICES\)](#)   [INVOICES \(/S/INVOICE/INVOICE\\_\\_C/DEFAULT\)](#)   [CERTIFICATES \(/S/CERTIFICATE/CERTIFICATE\\_\\_C/DEFAULT\)](#)   [MANDATORY REPORTS \(/S/FILING/FII](#)

Below is a description of the type of filing made with the PUCO. Click Print/Preview to view the PDF version of this filing. If there are any supplemental documents that accompany the filing, the document will also be available for your view.

Filing  
TDS Telecommunications Corp

Print / Preview

Filing Year	Report Type	Industry	Sub-Industry
2019	TRS	Telecommunications	

Information

Filing Name	FIL-0017374
Account	<a href="/s/account/001t000000BD29cAAD/tds-telecommunications-corp">TDS Telecommunications Corp (/s/account/001t000000BD29cAAD/tds-telecommunications-corp)</a>
Filing Type	TRS
Filing Year	2019
Case URL	<a href="http://dis.puc.state.oh.us/CaseRecord.aspx?CaseNo=20-03-TP-RPT">http://dis.puc.state.oh.us/CaseRecord.aspx?CaseNo=20-03-TP-RPT</a> ( <a href="http://dis.puc.state.oh.us/CaseRecord.aspx?CaseNo=20-03-TP-RPT">http://dis.puc.state.oh.us/CaseRecord.aspx?CaseNo=20-03-TP-RPT</a> )
Exclude from Weighting	No

Total Intrastate Gross Revenue	\$0
Filing Date	3/10/2020
Assessment Created?	
Filing Status	Submitted

Certificate Information

Certificate	<a href="/s/certificate/a01t00000022QI9AAM/cert0003997">CERT-0003997 (/s/certificate/a01t00000022QI9AAM/cert0003997)</a>
Industry	Telecommunications
Sub-Industry	

Certificate Status	Current
--------------------	---------

Filing Information

Filing Start Date	Filing End Date
-------------------	-----------------

1/30/2020

Filing Contact ⓘ

[Pam Trickel \(/s/contact/003t000000Ed9I9AAJ/pam-trickel/\)](/s/contact/003t000000Ed9I9AAJ/pam-trickel/)

Fiscal Contact ⓘ

[Jacqueline Simpson \(/s/contact/003t000000FHAaoAAH/jacqueline-simpson/\)](/s/contact/003t000000FHAaoAAH/jacqueline-simpson/)

✓ TRS Information

OH Voice Grade,End User Access Lines ⓘ

4,031

OH Voice Grade lines, channels purchased ⓘ

0

OH Telephone Subscribers (Wireless) ⓘ

0

OH VoIP Service Subscribers ⓘ

0

OH Lines or Equivalents (Other) ⓘ

0

OH Voice Grade Lines or Eq.(AOS/IXC/Oth)


0

Total OH Access Lines/Equiv. in Service ⓘ

4,031

✓ System Information

Created By

 Monica Hairston (/s/profile/005t0000001KclcAAK), 1/30/2020 7:58 AM

Unique Key ⓘ

CERT-0003997TRS2019

Record Type

TRS

Filing: FIL-0017374

4/30/2020


Docketing Contact ⓘ

[Pam Trickel \(/s/contact/003t000000Ed9I9AAJ/pam-trickel/\)](/s/contact/003t000000Ed9I9AAJ/pam-trickel/)

Number of Supplementals

0

Last Modified By

 Pam Trickel (/s/profile/005t0000001rM20AAE), 3/10/2020 1:39 PM

AR ID ⓘ

eVerify ⓘ

Supplemental Files

The files listed below are supplemental documents submitted when the Annual Report was filed.

Files (0)

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**9/25/2020 10:51:11 AM**

**in**

**Case No(s). 08-0815-TP-ORD, 20-0003-TP-RPT**

Summary: App for Rehearing Application for Continental Telephone Company, Oakwood Telephone Company, Vanlue Telephone Company, and Arcadia Telephone Company electronically filed by Frank P. Darr on behalf of Continental Telephone Company and Oakwood Telephone Company and Vanlue Telephone Company and Arcadia Telephone Company