

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

IN THE MATTER OF THE ANNUAL  
REPORTS FOR CALENDAR YEAR 2019  
FOR THE FISCAL ASSESSMENT OF ALL  
REGULATED ENTITIES.

CASE No. 20.01-AU-RPT

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. 490584

CASE No. 08-815-TP-ORD

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**APPLICATION FOR REHEARING**

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Pursuant to Section 4903.10 of the Ohio Revised Code and Rule 4901-1-35 of the Ohio Administrative Code, Ohio MSA LLC (“Company”) respectfully files this Application for Rehearing of the Public Utility Commission of Ohio (“Commission”) August 26, 2020 Finding and Order (the “Finding and Order”) in this proceeding.

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## MEMORANDUM IN SUPPORT

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### **I. Introduction**

The Finding and Order states that by Entry issued January 29, 2020 in Case Nos. 20-01-AU-RPT, 08-815-TP-ORD, and 20-03-TP-RPT, the Commission directed (1) all regulated entities to file a 2019 annual report for fiscal assessment, and (2) all service providers required to provide customers with access to telecommunications relay services (TRS) to submit a response to the Telecommunications Relay Service Reporting Form (TRS form), with both submissions due by April 30, 2020. Finding and Order, ¶¶ 2, 3. That April 30, 2020 deadline for the annual report and the TRS form was extended: first, to June 29, 2020, due to a declaration of a state of emergency caused by COVID-19; and, subsequently, to July 6, 2020, due to an issue affecting the Commission's filing system. Finding and Order, ¶¶ 7-10.

The Finding and Order is directed to those companies, including the Company, that did not submit an annual report or TRS form by July 6, 2020. The Finding and Order directs Commission staff to assess a civil forfeiture of \$1,000 on such companies, and further directs the subject companies to make the required annual report and TRS form filings by September 25, 2020. Finding and Order, ¶¶ 11, 12 and Attachments. The effective date of the forfeitures assessed by the Finding and Order has been delayed 30 days to afford affected companies an opportunity to file an application for rehearing. Finding and Order ¶ 13.

### **II. Argument**

The Company respectfully requests that the Commission rescind the forfeiture imposed on the Company by the Finding and Order. While the Company does not oppose the finding that

these filings were not made by July 6, 2020, the circumstances of the late filings nonetheless justify rescission of the forfeiture.

First, notices from the Commission regarding the filings were being sent to persons no longer employed by the Company, resulting in their failure to be timely reviewed and acted on. The Company has since updated its fiscal contact and regulatory contact information in the Commission's electronic systems to prevent a recurrence.

Second, the Company now has timely submitted both its annual report and its TRS form, in accordance with the Finding and Order.

Third, no party has been substantially harmed by the late filing of the Company's annual report and TRS form. Given the Company's level of activity and revenues in Ohio for the reported period, the Company's expected financial assessment based on the annual report will be *de minimis*, and it will have no contribution obligation based on the TRS form.

### **III. Conclusion**

The Commission is respectfully requested to rescind the forfeiture imposed on the Company by the Finding and Order.

Respectfully submitted,

/s/ E. Ashton Johnston  
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September 25, 2020

**Counsel for Ohio MSA LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Application for Rehearing was sent by, or on behalf of, the undersigned counsel, via electronic transmission on this 25th day of September 2020, to the persons stated below.

*/s/ E. Ashton Johnston* \_\_\_\_\_

E. Ashton Johnston

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

**Commission of Ohio Docketing Information System on**

**9/25/2020 2:27:56 PM**

**in**

**Case No(s). 20-0001-AU-RPT, 20-0003-TP-RPT, 08-0815-TP-ORD**

Summary: Application Application for Rehearing electronically filed by Mr. E Ashton Johnston on behalf of Ohio MSA LLC