BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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

AT&T OHIO'S REPLY COMMENTS

I. INTRODUCTION

The Ohio Bell Telephone Company d/b/a AT&T Ohio ("AT&T Ohio") respectfully submits these Reply Comments pursuant to the Entry adopted on August 25, 2021.

II. DISCUSSION

A. Ohio Telecom Association

AT&T Ohio supports the comments of the Ohio Telecom Association, of which it is a member.

B. Ohio Cable Telecommunications Association

AT&T Ohio supports the comments of the OCTA, with one exception. OCTA notes that the Commission has recently ruled that R. C. § 4927.15 "unconditionally sets forth requirements for the ILECs." OCTA, p. 9. It says the Commission has specifically required the ILECs to offer payphone access line service and to include that service is their tariffs, thus precluding the grandfathering of that service. Id., citing *In the Matter of the Application of AT&T Ohio to Modify Tariff P.U.C.O. No. 20 to Indicate Grandfathering of Customer-Owned Pay Telephone Service*, Case No. 21-617-TP-WVR, Entry ¶ 11 (August 25, 2021). OCTA extends the holding of that case, "by logic," to 9-1-1 service. Id. OCTA asserts that there is therefore no need to extend authority over 9-1-1 voice service providers through divisions (F) and (G) of proposed

rule 21. Id., pp. 9-10. Section 4927.15, OCTA concludes, eliminates the need for divisions (F) and (G). Id., p. 10.

OCTA's logic, its reliance on the *AT&T Ohio* case, and the Commission's order in that case all fail the tests of lawfulness and reasonableness. This will be explained more fully in the AT&T case soon, but suffice it to say here that R. C. § 4927.15 does not require the ***offering*** of ***any*** service. All that the statute says is that ***if*** the specified services are offered, they must be ***tariffed***. Relatedly, the ILECs cannot be held to be the ***sole*** entities responsible for providing end-user access to 9-1-1 service.

C. The Consumer Groups

AT&T Ohio opposes the comments of the Consumer Groups ("CG"). They claim that "Ohioans rely on the most basic of telephone service to communicate with family, doctors, emergency services, and others." CG, p.1. Statistics prove them wrong. The vast majority of Ohioans have wireless service and other services that are more advanced than basic service. While a small, and diminishing, number of Ohioans rely on basic local exchange service, safeguards are in place for them without the additional requirements advocated by the CG.

The Commission is fully aware of the ever-diminishing role of traditional landline service. That is why public policy supports its eventual phase-out, with appropriate safeguards.

The Consumer Groups claim that there is no access to broadband or broadband-based VoIP for many Ohio consumers. CG, p. 1. They also claim that adequate cellular service is lacking in rural areas. CG, p. 2. Statewide, over 58% of respondents are wireless only, and just over 4% of respondents are landline only, according to the latest CDC surveys:[1]

[1] https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_201912-508.pdf
Table 1. Modeled estimates (with standard errors) of the percent distribution of household telephone status for adults aged 18 and over, by state: United States, 2018.

Geographic area	Wireless-only	Wireless mostly	Dual-use	Landline mostly	Landline-only	No telephone service	Total
Ohio	58.5 (1.6)	12.7 (0.9)	13.4 (0.9)	8.1 (0.8)	4.3(0.6)	3.0	100.0

Federal and state policies, backed by massive amounts of funding by both the government and private sectors, are solving the problems of rural area coverage for both broadband and wireless services.

The Consumer Groups support the Commission's proposals here, but advocate additional regulation, in line with their prior positions. CG, p. 3. The Consumer Groups' proposals would push the Commission even further away from the lawful implementation of H.B. 64.

The Consumer Groups claim that proposed rule 21(A) is vague regarding which threshold would apply. CG, p. 4. But the portion of the rule that the Consumer Groups contend is vague is in fact perfectly clear, because it employs a standard "either . . . or" structure that is routinely used in statutes and rules. Proposed rule 21(A) plainly says that the service is deemed competitively priced, subject to rebuttal, if the rate does not exceed either: (1) the ILEC's BLES rate by more than 20% or (2) the federal communications commission's (FCC) urban rate floor as defined in 47 C.F.R. § 54.313(a). That cannot be made clearer, and there is simply no need for the "clarification" the Consumer Groups suggest.

The Consumer Groups also suggest changes to the customer notice requirements. CG, p.6. This would include multiple notices, every 30 days, spanning the 120-day notice period. Id. They also advocate a separate mailing for each notice. Id. The customer notice requirements have been addressed exhaustively in this case. Substantively, Rule 7 and revised Rule 21 thoroughly address all of the various customer notice requirements. The requirements applicable to customer notice regarding a withdrawal of BLES should not be revisited now.

As to the timing of COLR relief, the Consumer Groups would require a "final order" of the FCC in order for an ILEC to even begin the 120-day withdrawal process. CG, p. 7. This

would require an order on reconsideration to be issued by the FCC or an order for which no petitions for reconsideration have been filed. CG, p. 8.

The Consumer Groups would impose a new requirement on a rule that has already been thoroughly debated and analyzed. Their argument is rendered moot by simple reference to the statutory language, under which the trigger for ILEC relief is the "adoption" of the requisite order by the FCC that allows an ILEC to withdraw the interstate-access component of its BLES under 47 U.S.C. § 214. Under the controlling statute, that relief is triggered "beginning when the (FCC) order is adopted."[2] The statute makes no reference to the "effective date" of the FCC order, as the Consumer Groups would prefer. The Consumer Groups' argument fosters nothing but additional delay.

The Commission has recognized that ". . . the triggering event for the commencement of the process for an ILEC's abandonment of BLES is the ***issuance*** of an FCC order." Fourth Entry on Rehearing, August 9, 2017, ¶ 36 (emphasis added). The Consumer Groups undermine their own argument with a labored discussion of the effective dates of various FCC actions. CG, pp. 7-9. This only goes to show that using the "effective date" of FCC action as the trigger would lead to both uncertainty and delay. The Commission chose to interpret state law to require the issuance of a written FCC decision as the trigger for the relief under state law. Thus, neither the statute nor any Commission interpretation refers to the "effective date" of the FCC action, and for good reason.

III. CONCLUSION

For the reasons set forth above, AT&T Ohio respectfully urges the Commission to adopt a rule consistent with AT&T Ohio's initial and reply comments.

[2] R. C. §4927.10(A).

Respectfully submitted,

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Summary: Comments AT&T OHIO'S REPLY COMMENTS electronically filed by Jon F Kelly on behalf of AT&T Ohio