BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Review of the Rules	**)**	
in Ohio Adm. Code Chapter 4901:1-7,	**)**	**Case No. 22-48-TP-ORD**
Local Exchange Carrier-to-Carrier Rules	**)**	

INITIAL COMMENTS OF
THE OHIO CABLE TELECOMMUNICATIONS ASSOCIATION

I. Introduction

The Ohio Cable Telecommunications Association (the "OCTA") – Ohio's broadband and cable association – appreciates the opportunity to provide suggestions and comments to the Public Utilities Commission of Ohio (the "Commission") as it prepares updates to its carrier-to-carrier rules in Chapter 4901:1-7, Ohio Administrative Code.[1]

The OCTA represents members of Ohio's cable industry. Some of the OCTA's members currently offer voice services through circuit-switched technology and/or internet protocol-enabled packet switched technology and, in offering those services, may use the services or facilities of incumbent local exchange carriers ("ILECs") and competitive local exchange carriers ("CLECs"), including CLECs that are affiliates of OCTA members. Therefore, the OCTA, on behalf of its members, is an interested person and offers these initial comments largely in support of the Staff's proposed revisions to, and the re-adoption of, the carrier-to-carrier rules in Chapter 4901:1-7.

Specifically, the OCTA supports Staff's revisions to Rule 7-02, regarding the date of incorporation by reference of the Code of Federal Regulations and United States Code, and those revisions to Rules 7-12(D) and 7-14(C), regarding amendments to the rules to reflect determinations of the Federal Communications Commission ("FCC") concerning bill-and-keep.

[1] For ease, all references in these comments to the rules in Chapter 4901:1-7 will simply be "Rule 7-__."

Additionally, the OCTA suggests that the Commission update Rule 7-21(D) to be made consistent with current federal law and requirements.

The OCTA reserves its right to further address the carrier-to-carrier rules in reply comments in this proceeding.

II. Comments

A. The OCTA supports Staff's revisions to Rule 7-12 (Compensation for the Transport and Termination of Non-Access Telecommunications Traffic) and Rule 7-14 (Compensation for Intrastate Switched Access Reciprocal Compensation Traffic and Carrier-to-Carrier Tariff) to be consistent with Federal law.

Rule 7-12 and Rule 7-14 address intrastate compensation for non-access telecommunications traffic and switched access telecommunications traffic, respectively. Staff proposes revising each rule to promote consistency with the FCC's *Transformation Order*,[2] to implement bill-and-keep as the framework for all telecommunications traffic exchanged with local exchange carriers. The OCTA supports the adoption of Staff's proposed revisions to these rules.

B. The Commission should consider modifying Rule 7-21(D) (Resale of telecommunications services) to be consistent with Federal law.

Rule 7-21 concerns the resale of telecommunications services primarily by ILECs at wholesale rates. Although the Commission identified Rule 7-21(D) as a rule to which Staff had proposed amendments, the OCTA was unable to locate any proposed revisions to the resale pricing aspect in subsection (D) of Rule 7-21 within <u>Attachment A</u> to the Commission's Entry.[3] Nevertheless, the OCTA recommends that the Commission revise the resale pricing aspect in subsection (D) of Rule 7-21 to be consistent with determinations of the FCC.

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[2] The *Transformation Order* refers to *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011), *aff'd sub nom, In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

[3] No revision was marked or otherwise specified in <u>Attachment A</u> to the Commission Entry issued April 20, 2022, or in <u>Attachment A</u> to the Attorney Examiner Entry issued April 21, 2022.

Currently, Rule 7-21(D) provides that the Commission may establish the wholesale rates for the ILECs' retail telecommunications services "utilizing (a) Interim wholesale rates that are based on …the ILEC avoided costs…[or] (b) Rates that are equal to the ILEC's existing retail rates for the telecommunications service less avoided retail costs…." In contrast, the FCC has granted ILECs forbearance from the avoided-cost resale pricing obligations that are currently reflected in Rule 7-21(D).[4] As a result, Rule 7-21(D) is now inconsistent with the FCC's rules, and the OCTA recommends that the Commission revise this rule to be consistent with federal law.

C. The OCTA supports Staff's revisions to Rule 7-02 (General Applicability) to update references to the U.S. Code and Code of Federal Regulations.

Rule 7-02 sets forth the general application of the rules found in Chapter 4901:1-7 and currently incorporates by reference sections of the U.S. Code and Code of Federal Regulations that were in effect as of April 1, 2017. The OCTA supports Staff's proposed revisions to Rule 7-02 regarding updates to the date of incorporation by reference so that the rule reflects the most current version of the U.S. Code and Code of Federal Regulations provisions.

III. Conclusion

The OCTA appreciates the opportunity to provide these targeted comments regarding a few of the rules in Chapter 4901:1-7. As industry participants, the OCTA members are affected by the rules today and will be affected by any changes therein by virtue of this proceeding. The

[4] *In the Matter of Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services*, WC Docket 19-308, Report and Order, FCC 20-152 (Oct. 28, 2020).

OCTA respectfully requests that the Commission adopt Staff's proposed revisions and the changes identified by the OCTA to the rules in these initial comments.

Respectfully submitted,

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