

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE PETITION OF
AT&T OHIO SEEKING TO RELINQUISH
ITS ELIGIBLE TELECOMMUNICATIONS
CARRIER DESIGNATION IN THE
REMAINDER OF ITS SERVICE TERRITORY.

CASE NO. 21-917-TP-UNC

ENTRY

Entered in the Journal on July 13, 2022

I. SUMMARY

{¶ 1} The Commission clarifies the specified conditions set forth in the Finding and Order of June 15, 2022.

II. BACKGROUND

{¶ 2} The Ohio Bell Telephone Company dba AT&T Ohio (AT&T Ohio or Company) is an incumbent local exchange carrier pursuant to R.C. 4927.01(A)(5) that is an eligible telecommunications carrier (ETC) offering Lifeline service under R.C. 4927.13. As such, AT&T Ohio's provision of Lifeline service is subject to Commission jurisdiction.

{¶ 3} AT&T Ohio was designated as an ETC offering Lifeline service throughout its traditional service area on December 18, 1997. *In the Matter of the Commission Investigation of the Intrastate Universal Services Discounts*, Case No. 97-632-TP-COI, Supplemental Finding and Order (Dec. 18, 1997). This designation allows AT&T Ohio to receive federal Universal Service Fund (USF) support for its provision of Lifeline service to customers in Ohio.

{¶ 4} On September 7, 2017, in Case No. 17-1948-TP-UNC, *In re the Petition of AT&T Ohio Seeking to Relinquish its Eligible Telecommunications Carrier Designation in a Portion of its Service Territory* (Case No. 17-1948), AT&T Ohio filed a petition, pursuant to 47 U.S.C. 214(e)(4), seeking to relinquish its designation as an ETC for purposes of USF support for a majority of its service area in Ohio. The ETC designation was to be retained in the census blocks for which AT&T Ohio was eligible to receive Connect America Fund Phase II (CAF II) high-cost funding.

{¶ 5} Pursuant to the Finding and Order of March 13, 2019, in Case No. 17-1948, the Commission granted AT&T Ohio's application subject to the specified conditions set forth in the Finding and Order. Specifically, the Commission found that the vast majority of AT&T Ohio's Lifeline customers in the relinquishment area will have one or more ETCs to choose from for their Lifeline service. Therefore, consistent with Ohio Adm.Code 4901:1-6-09(D)(2) and federal law, 47 U.S.C. 214(e)(4) and 47 C.F.R. 54.205, the Commission approved AT&T Ohio's request to exit the Lifeline service market in the relinquishment area with an effective date of 90 days from the date of the Finding and Order.

{¶ 6} On September 3, 2021, as amended on October 18, 2021, October 19, 2021, October 28, 2021, October 29, 2021, November 15, 2021, January 14, 2022, and February 22, 2022, AT&T Ohio filed a petition in the current case requesting an order confirming relinquishment of its ETC designation for all remaining areas in which it is currently designated as an ETC, representing approximately five percent of its service territory. AT&T Ohio requested a relinquishment effective date of February 15, 2022. AT&T Ohio noted that the requested relinquishment will not affect the availability of any legacy service within its service territory, and it will continue to comply with applicable service obligations of federal and state law in its service territory, unless and until it separately obtains any necessary permission to stop providing retail legacy voice service. AT&T Ohio represented that it will continue to provide Lifeline service in its relinquishment area until such time as its relinquishment request may be granted.

{¶ 7} On November 17, 2021, the office of the Ohio Consumers' Counsel (OCC) was granted intervention.

{¶ 8} On December 10, 2021, Advocates for Basic Legal Equality, Inc.; Legal Aid Society of Cleveland; Ohio Poverty Law Center; Southeastern Ohio Legal Services; and OCC (jointly, Consumer Groups) filed initial comments regarding AT&T Ohio's petition.

{¶ 9} On January 14, 2022, AT&T Ohio filed a reply to the Consumer Groups' initial comments.

{¶ 10} On March 4, 2022, the Commission Staff (Staff) issued its Report and Investigation (Staff Report) in this matter.

{¶ 11} Pursuant to its Finding and Order of June 15, 2022, the Commission granted AT&T Ohio's petition with the exception of the seven Lifeline customer addresses specifically identified by Staff who are at or near the exchange boundaries and may have weak or no wireless coverage. The Commission noted that AT&T Ohio could not identify another ETC providing voice or data services to these addresses. Specifically, the Commission determined that for each of these addresses, AT&T Ohio must continue to offer Lifeline service until the earlier of either: (a) the date that another ETC is available to provide a Lifeline discount to the customer, or (b) the date that the Federal Communications Commission (FCC) Lifeline discount is no longer in effect.

{¶ 12} Due to the lack of certainty in determining wireless signal coverage for 100 percent of AT&T Ohio's current Lifeline customers in the relinquishment area, the Commission established a 60-day grace period be implemented after the effective relinquishment date.

{¶ 13} During this grace period, any existing AT&T Ohio Lifeline customer in the relinquishment area who is unable to obtain Lifeline service at their residence from an ETC will have the opportunity to contact the Commission's Call Center to request assistance in finding an ETC.

{¶ 14} The Commission established a notice procedure for all of AT&T Ohio's existing Lifeline customers, including new Lifeline customers that were added since the start of Staff's investigation. Specifically, the Commission required AT&T Ohio to send a customer notice as a letter via direct U.S. mail 60 days prior to the relinquishment effective date, and then send a second letter and a bill message 15 days prior to the relinquishment effective date. Additionally, to better ensure receipt of the customer notification, AT&T Ohio required that both notices be sent via electronic communication where possible. Furthermore, five days after the second notice has been sent, the Commission required that

AT&T Ohio follow up with the remaining Lifeline customers in the relinquishment area via a telephone call or text to inform them that they may contact the Commission if they are unable to find another ETC to serve their address.

III. AT&T OHIO MOTION FOR CLARIFICATION

{¶ 15} On June 27, 2022, AT&T Ohio filed a motion for clarification of the Commission's June 15, 2022 Finding and Order. In its motion, AT&T Ohio seeks clarification of three conditions set forth in the Finding and Order.

{¶ 16} First, AT&T Ohio recognizes that it is obligated to continue providing Lifeline service to the seven identified addresses until the earlier of either: (a) the date that another ETC is available to provide a Lifeline discount to that customer, or (b) the date that the FCC Lifeline discount is no longer in effect. The Company contends that while it may not be aware that another ETC is available at the customer's location, at some point it would be notified that its customer has chosen another ETC if they have done so. As to the second condition, the Company represents that it will monitor the status of the FCC's action and can update the Commission.

{¶ 17} Next, AT&T Ohio recognizes that the Finding and Order requires AT&T Ohio to send a second letter and a bill message 15 days prior to the relinquishment effective date. The Company explains that because of the variation of billing cycles, some customers will receive a bill page message much earlier, as much as 45 days prior to the relinquishment effective date, but that all customers will receive the bill message at least 15 days prior to the relinquishment effective date. Therefore, AT&T Ohio seeks clarification that the second letter and bill message requirement be sent at least 15 days prior to the relinquishment effective date.

{¶ 18} Finally, AT&T Ohio seeks clarification of the directive in the Finding and Order that "[u]pon the Commission-approved relinquishment date, [it] should promptly de-enroll any remaining relinquishment area subscriber in the National Lifeline

Accountability Database and release the phone numbers of those remaining customers.” AT&T Ohio contends that customers obtaining service from another ETC might still desire to retain their AT&T Ohio landline service, albeit without a Lifeline discount. AT&T Ohio submits that in such a scenario, no numbers would be released.

IV. DISCUSSION

{¶ 19} Ohio Adm.Code 4901:1-6-09(D)(2) and federal law, 47 U.S.C. 214(e)(4) and 47 C.F.R. 54.205, provide that a state commission shall permit an ETC to relinquish its designation in any area served by more than one ETC. Pursuant to these provisions, prior to permitting an ETC to relinquish its designation as such a carrier in any area served by more than one ETC, the state commission shall require the remaining ETCs to ensure that all customers served by the relinquishing carrier will continue to be served.

{¶ 20} Upon consideration of the first request for clarification, the Commission finds that the motion is denied and no further clarification is necessary. As stated in the Finding and Order, for the seven identified addresses, AT&T Ohio’s obligation to continue to provide a Lifeline service discount will end on the earlier of: (a) the date that another ETC is available to provide a Lifeline discount to that customer, or (b) the date that the FCC Lifeline discount is no longer in effect. To the extent that AT&T Ohio is unable to determine if another provider begins to provide service to a specific address, it must then continue to provide a Lifeline service discount until the date that the FCC Lifeline discount is no longer in effect. Such a determination ensures that the remaining AT&T Lifeline customers will continue to have an available option until such time that the FCC Lifeline discount is no longer in effect. The Commission notes that on July 1, 2022, the FCC extended the phase-out of Lifeline support of voice-only services until at least December 1, 2023. *See, In re Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, *et al.*, Order (Jul. 1, 2022).

{¶ 21} With respect to the second request for clarification, the Commission finds that the motion should be granted. Specifically, the Commission agrees with AT&T Ohio’s

interpretation and clarifies that the second letter and bill message must occur at least 15 days prior to the relinquishment effective date.

{¶ 22} Specific to the third request for clarification, the Commission finds that the motion should be granted. Specifically, the Commission clarifies that upon the Commission-approved relinquishment date, AT&T Ohio should promptly de-enroll any remaining relinquishment area subscribers in the National Lifeline Accountability Database and release the associated telephone numbers to the extent that an affected subscriber seeks to obtain Lifeline service from another provider.

V. ORDER

{¶ 23} It is, therefore,

{¶ 24} ORDERED, That the motion for clarification be granted, in part, and denied, in part, as set forth above. It is, further,

{¶ 25} ORDERED, That notice of this Entry be served via the telephone industry listserv and that a copy of the Entry be served on all parties and interested persons of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JSA/mef

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Case No(s). 21-0917-TP-UNC

Summary: Entry clarifying the specified conditions set forth in the Finding and Order of June 15, 2022 electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio