

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of )  
Robert A. Victor and Numerous Other )  
Subscribers of the Uhrichsville )  
Exchange of Ameritech Ohio, )

Complainants, )

v. )

Ameritech Ohio )

and )

GTE North Incorporated, )

Respondents, )

Case No. 94-2007-TP-PEX

Relative to a Request for Two-Way, )  
Nonoptional Extended Area Service )  
Between the Uhrichsville Exchange )  
of Ameritech Ohio and the New )  
Philadelphia Exchange of GTE North )  
Incorporated. )

ENTRY

The Commission finds:

- 1) On December 19, 1994, Robert A. Victor, spokesperson for the complainants, and numerous other subscribers of the Uhrichsville Exchange of Ameritech Ohio (Ameritech) filed a petition seeking the institution of one-way, nonoptional extended area service (EAS) from the New Philadelphia Exchange of GTE North Incorporated (GTE) to the Uhrichsville Exchange of Ameritech.
- 2) By entry issued February 7, 1995, the Attorney Examiner ordered the respondents to file answers or other pleadings with the Commission and serve copies upon the spokesperson for the complainants by May 19, 1995. Because the Uhrichsville and New Philadelphia exchanges are located in different local access and transport areas (LATAs), the Attorney Examiner directed certain interexchange carriers (IXCs) to provide calling data to the respondents for compilation. The respondents, in addition to providing cost information, were ordered to compile the calling data and to provide it to the Commission and to

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician Anna M. Nixon Date Processed Nov. 23, 1995

- the spokesperson for the complainants by May 19, 1995.
- 3) By entry issued March 16, 1995, pursuant to the request of the parties, the Attorney Examiner rescheduled the prehearing procedural conference for June 1, 1995.
  - 4) On May 2, 1995, GTE filed a motion requesting that the May 19, 1995 date for providing cost data be extended until June 19, 1995. On May 10, 1995, Ameritech, likewise, filed a motion requesting until June 19, 1995 to file cost information. By entry issued May 23, 1995, the Attorney Examiner granted the motions filed by the respondents, thereby extending until June 19, 1995 the time for filing cost data.
  - 5) On May 18, 1995, and May 19, 1995, GTE and Ameritech, respectively, timely filed their written answers and calling data pursuant to the Attorney Examiner's entry issued on February 7, 1995.
  - 6) On June 19, 1995, the Uhrichsville complainants supplemented their petition with 100 signatures from New Philadelphia Exchange subscribers.
  - 7) On June 19, 1995, GTE and Ameritech filed cost information pursuant to the Attorney Examiner's entries of February 7, 1995 and May 23, 1995.
  - 8) The Commission notes that on December 9, 1993, the U.S. District Court for the District of Columbia (district court) denied three GTE waiver requests for the institution of measured-rate EAS. United States v. GTE Corporation, Case No. 83-1298 (D.D.C. Dec. 9, 1993) and United States v. Western Electric Company, Inc., et al., Case No. 82-1092 (D.D.C. Dec. 9, 1993). Thereafter, in its April 13, 1995 Finding and Order in In the Matter of the Petition of Sam Steiger v. United Telephone Company of Ohio and Ameritech Ohio, Case No. 93-1172-TP-PEX, the Commission determined, that, based upon the district court's refusal to consider waivers for the institution of usage-sensitive service, it would now only order the institution of flat-rate EAS service in interLATA complaint cases involving either GTE or Ameritech.

- 9) Rule 4901:1-7-03(B)(1)(d)(iv), O.A.C., provides, in part, that "[i]n situations where the calling rate is at least eight from the requesting exchange to the requested exchange, a rebuttable presumption shall exist that some form of EAS, either flat-rate service or usage sensitive service, is warranted." In recent years, in cases involving Ameritech and GTE, the Commission has only ordered flat-rate EAS in one case where the calling rate was less than 8.0.<sup>1</sup> While there have been recent interLATA cases where the Commission has considered the institution of flat-rate EAS between exchanges with calling rates less than 8.0, the complainants, respondents, and the Commission have expended considerable time and energy in these cases, and these requests for relief have ultimately been denied. The Commission has now determined that, in interLATA EAS cases involving Ameritech and GTE, where the calling rate is less than 8.0, the Commission will no longer consider or order the institution of flat-rate EAS. Vivian M. Gorsuch v. Cincinnati Bell and Ameritech Ohio, Case No. 95-03-TP-PEX (Supplemental Entry on Rehearing issued September 29, 1995). The Commission is instituting this policy in an effort to provide direction to both complainants and telephone companies with respect to all future interLATA EAS cases involving GTE and Ameritech.
- 10) In this proceeding, the calling rate from the New Philadelphia Exchange to the Uhrichsville Exchange is 3.94; therefore, the relief which the Commission could reasonably be expected to order is measured-rate EAS, rather than flat-rate EAS. Given that the district court's denial of waiver restrictions for the institution of measured-rate EAS effectively limits the Commission's ability to grant relief

---

<sup>1</sup> On June 22, 1995, in In the Matter of the Complaint of Mary Ketchum v. GTE North Incorporated and Cincinnati Bell Telephone Company (Case No. 92-27-TP-PEX), the Commission approved the institution of two-way, non-optional, flat-rate EAS between the Mt. Orab Exchange and the Cincinnati, Clermont, and Williamsburg exchanges. The calling rates from the Mt. Orab Exchange to the Cincinnati, Clermont, and Williamsburg exchanges were 10.34, 8.65, and 4.82 calls per access line, per month. The Commission found that, even though the calling rate from the Mt. Orab Exchange to the Williamsburg Exchange was less than its threshold of 8.0 calls per access line, per month, the Williamsburg Exchange is located within a geographic corridor between the Mt. Orab Exchange and the Cincinnati and Clermont exchanges, which justified, the grant of EAS.

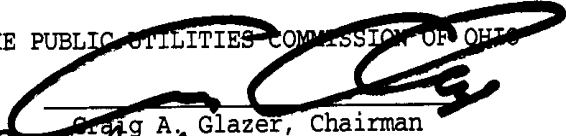
in an interLATA complaint case to flat-rate EAS only, and based on the Commission's determination that it will no longer grant flat-rate EAS in interLATA cases where the calling rate is less than 8.0, the Commission is compelled to deny the request for relief between the New Philadelphia Exchange and the Uhrichsville Exchange. Accordingly, this case should be dismissed and closed of record. The Commission's action does not prevent the complainants from filing a similar request in the future should circumstances change.

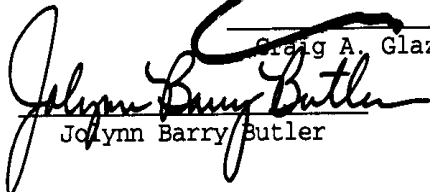
It is, therefore,

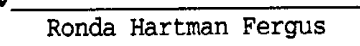
ORDERED, That the request for EAS between the New Philadelphia and Uhrichsville exchanges is denied. It is, further,

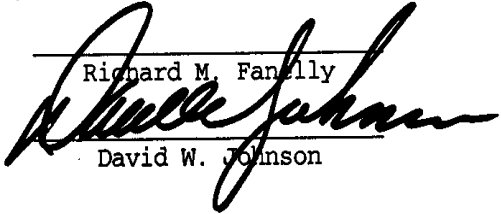
ORDERED, That a copy of this Entry be served upon the spokesperson for the complainants, GTE and its counsel, Ameritech and its counsel, and all interested persons of record.

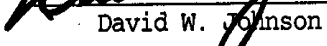
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
 Craig A. Glazer, Chairman

  
 Jolynn Barry Butler

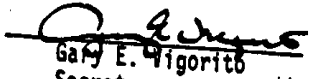
  
 Ronda Hartman Fergus

  
 Richard M. Fannilly

  
 David W. Johnson

LDJ/vrh/gm

Entered in the Journal  
 NOV 22 1995  
 A True Copy

  
 Gary E. Vigorito  
 Secretary

SERVICE NOTICE

PAGE 1

CASE NUMBER 94-2007-TP-PEX  
CASE DESCRIPTION ROBERT VICTOR/AMERITECH/GTE NORTH  
DOCUMENT SIGNED ON November 22, 1995  
DATE OF SERVICE 11/22/95

PERSONS SERVED

PARTIES OF RECORD

ATTORNEYS

INTERVENOR

ALLNET COMMUNICATION SERVICES, INC  
30300 TELEGRAPH ROAD  
SUITE 350  
BINGHAM FARMS, MI 48025

J. SCOTT NICHOLLS  
ALLNET COMMUNICATIONS SERVICE, INC.  
30300 TELEGRAPH RD  
BIRMINGHAM, MI 48010

INTERVENOR

AT&T COMMUNICATIONS OF OHIO, INC.  
65 EAST STATE STREET  
SUITE 1500  
COLUMBUS, OH 43215

JUDITH M. TROUP  
AT&T COMMUNICATIONS OF OHIO, INC.  
65 E. STATE ST  
SUITE 1500  
COLUMBUS, OH 43215

INTERVENOR

LCI INTERNATIONAL TELECOM, INC.  
KIMBERLY DOUGLAS, TARIFF ANALYST  
8180 GREENSBORO DR. SUITE 800  
MCLEAN, VA 22102

SCOTT MCMAHON  
REGULATORY ANALYST  
LCI INTERNATIONAL TELECOM CORP.  
8180 GREENSBORO DR. SUITE 800  
MCLEAN, VA 22102

COMPLAINANT

ROBERT A. VICTOR  
1340 DEER HILL ROAD  
DENNISON, OH 44621

NONE

RESPONDENT

ALLNET COMMUNICATION SERVICES, INC  
30300 TELEGRAPH ROAD  
SUITE 350  
BINGHAM FARMS, MI 48025

ROY L. MORRIS  
DIRECTOR & REGULAR COUNSEL  
ALLNET COMMUNICATION SERVICES  
1990 M. STREET, NW SUITE 500  
WASHINGTON, DC 20036

## RESPONDENT

AMERITECH OHIO  
OFFICE OF THE VICE PRESIDENT  
45 ERIEVIEW PLAZA  
CLEVELAND, OH 44114

JON F. KELLY  
LEGAL DEPARTMENT  
AMERITECH OHIO  
150 E. GAY STREET, ROOM 19-S  
COLUMBUS, OH 43215

CHARLES S. RAWLINGS, ESQUIRE  
O'MALLEY, LENAHAN & GILL  
13TH FLOOR  
75 PUBLIC SQUARE  
CLEVELAND, OH 44114

## RESPONDENT

AT&T COMMUNICATIONS OF OHIO, INC.  
65 EAST STATE STREET  
SUITE 1500  
COLUMBUS, OH 43215

ROBIN P. CHARLESTON, ESQ.  
AT&T LEGAL DEPT.  
AT&T COMMUNICATIONS OF OHIO, INC.  
227 W. MONROE ST, 6TH FL  
CHICAGO, IL 60606

## RESPONDENT

GTE NORTH INCORPORATED  
WILLIAM A. GRISWOLD, PRES.  
100 EXECUTIVE DR.  
MARION, OH 43302

JOSEPH R. STEWART  
STATE GENERAL COUNSEL  
GTE NORTH, INC.  
100 EXECUTIVE DRIVE  
MARION, OH 43302

JAMES E. FOUGHT  
MANAGER-REGULATORY AFFAIRS  
GTE NORTH INCORPORATED  
100 EXECUTIVE DRIVE  
MARION, OH 43302

WILLIAM H. KEATING  
GTE NORTH, INC.  
100 EXECUTIVE DRIVE  
MARION, OH 43302

## RESPONDENT

LCI INTERNATIONAL TELECOM, INC.  
KIMBERLY DOUGLAS, TARIFF ANALYST  
8180 GREENSBORO DR. SUITE 800  
MCLEAN, VA 22102

JAMES D. HEFLINGER  
LITEL TELE DBA LCI INTERNATIONAL  
4650 LAKEHURST COURT  
DUBLIN, OH 43017

## RESPONDENT

MCI TELECOMMUNICATIONS CORPORATION  
DARRELL S. TOWNSLEY  
205 N. MICHIGAN AVE. SUITE 3700  
CHICAGO, IL 60601

JUDITH B. SANDERS  
BELL, ROYER & SANDERS CO., L.P.A.  
33 SOUTH GRANT AVENUE  
COLUMBUS, OH 43215-3927

RESPONDENT

SPRINT COMMUNICATIONS COMPANY L.P.  
8140 WARD PKW/MAIL STOP MOKCMP051  
KANSAS CITY, MO 64114-2006

MARY A. HULL  
SPRINT COMMUNICATIONS COMPANY L.P.  
8140 WARD PARKWAY, 5E  
KANSAS CITY, MO 64114-2006

ANGELA E. WEBSTER  
SPRINT COMMUNICATIONS COMPANY L.P.  
8140 WARD PKW/MAIL STOP MOKCMP051  
KANSAS CITY, MO 64114-2006