

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Self-Complaint of)
Mpower Communications Corporation to)
Revise its Tariff, PUCO No. 1, to Revise the) Case No. 02-814-TP-SLF
Minimum/Maximum Rate Charges for)
Service Orders.)

FINDING AND ORDER

The Commission finds:

- (1) On April 4, 2002, Mpower Communications Corporation (Mpower), a competitive local exchange carrier, filed a self-complaint in order to increase from \$50.00 to \$250.00 the maximum service order rate charged and restructure how it assesses service charges. More specifically, depending on the term of the service contract, Mpower proposes for its business and Centrex customers to: (a) increase the service order charges and eliminate the line connection charge for month-to-month agreements; (b) for customers that enter into a one-year agreement, reduce the service order charges and waive the additional lines charge; and (c) for customers that enter into a two- or three-year agreement, waive the service order charge and waive the additional line charges.
- (2) The Commission has, in certain limited circumstances, permitted the modification of rates in self-complaint proceedings arising under Section 4905.26, Revised Code. This statute provides, in relevant part, that "upon complaint of a public utility as to any matter affecting its own product or service, if it appears that reasonable grounds for complaint are stated, the commission shall fix a time for hearing and shall notify . . . the public utility thereof." The Commission has, in prior cases, found it appropriate to consider the reasonableness of a charge such as that proposed by Mpower in the context of a self-complaint. See, *In re Ohio Gas Co.*, Case No. 87-2068-GA-SLF (November 22, 1988); *Ottoville Mutual Telephone Co.*, Case No. 89-1424-TP-SLF (January 30, 1990); *Farmers Mutual Telephone Co.*, Case No. 89-1199-TP-SLF (January 30, 1990). In that new Mpower's customers will be affected by this change and because the self complaint proceeding will still adequately protect affected customers' interests, the Commission finds that this case should proceed as a self complaint under Section 4905.26, Revised Code.
- (3) Pursuant to Section 4905.26, Revised Code, the Commission is required to fix a time for hearing if it appears that reasonable

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grounds for complaint are stated. However, under the circumstances of this case, the Commission will not schedule an oral hearing on this matter unless an oral hearing is requested. Instead, the Commission will decide this case on the basis of the information contained in Mpower's complaint and the attached exhibits.

- (4) On November 29, 2002, Mpower filed a motion for waiver of the notice requirements. Mpower contends that the proposed restructured service order charges will only affect new customers not existing customers. Therefore, Mpower requests a waiver of the requirement to notify its current customers. Nonetheless, Mpower provided notice to all customers in the April 2002 bills. The notice directed that any party desiring a hearing in this matter file a motion to intervene by May 22, 2002. No party has requested a hearing or filed a motion to intervene in this matter.
- (5) The Commission finds that Mpower's request for a waiver of the notice requirement is reasonable and should be granted since only new customers will be affected by the restructured service order charges.
- (6) Based upon the foregoing and upon review of the record in this case, the Commission finds that the charges proposed by Mpower are not unreasonable. Accordingly, Mpower's application, as described above is approved.

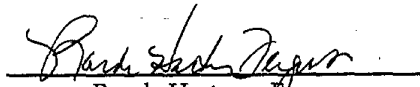
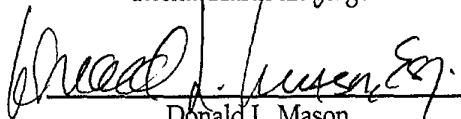
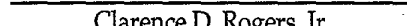
It is, therefore,

ORDERED, That Mpower's request for a waiver of the notice requirement is granted. It is, further,

ORDERED, That Mpower's application to restructure and increase service order charges is approved. It is, further,

ORDERED, That a copy of this order be served upon Mpower and its counsel and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman
Ronda Hartman Fergus
Judith A. Jones
Donald L. Mason
Clarence D. Rogers, Jr.

GNS/vrm

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DEC 12 2002

A True Copy


Gary E. Vigorito
Secretary

CASE NUMBER: 02-0814-TP-SLF
CASE DESCRIPTION: MPOWER COMMUNICATIONS
DOCUMENT SIGNED ON: DEC 12 2002
DATE OF SERVICE: DEC 12 2002

PARTIES SERVED

PARTIES OF RECORD

ATTORNEYS

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