4

RECEIVED-DOCKETING DIV
1998 MAY 29 PM 3:37
PUCO

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Numerous Applications of Ameritech Ohio for Approval of a Contract Or Other Arrangement Between Ameritech Ohio and Various of its Customers	))))	Case No. 96-389-TP-AEC, et al.

MOTION OF THE OHIO TELECOMMUNICATIONS INDUSTRY ASSOCIATION FOR LEAVE TO FILE APPLICATION FOR REHEARING INSTANTER

THE OHIO TELECOMMUNICATIONS INDUSTRY ASSOCIATION, for itself and on behalf of its members ("OTIA"), and in accordance with Revised Code §4903.10, hereby moves the Commission for leave to file its Application for Rehearing of the Commission's April 30, 1998 Entry on Rehearing herein (the "Rehearing Entry") instanter. The OTIA submits that its failure to enter an appearance in this matter before entry of the Rehearing Entry was due to just cause, and that the interests of the OTIA and its members were not adequately considered in this proceeding. A Memorandum in Support of this Motion, as well as the Application for Rehearing of the OTIA, are supplied herewith and, in accordance with Revised Code §4903.10, served upon all parties herein.

Respectfully submitted,

THE OHIO TELECOMMUNICATIONS
INDUSTRY ASSOCIATION

By: Thomas E. Lodge

Thomas E. Lodge (0015741)
J. Raymond Prohaska (0017567)

THOMPSON HINE & FLORY LLP
One Columbus
10 West Broad Street, Suite 700
Columbus, Ohio 43215-3435
(614) 469-3200

Its Attorneys

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Numerous Applications of Ameritech Ohio for Approval of a Contract Or Other Arrangement Between Ameritech Ohio and Various of its Customers	))))	Case No. 96-389-TP-AEC, et al.

MEMORANDUM IN SUPPORT OF
MOTION OF THE OHIO TELECOMMUNICATIONS INDUSTRY ASSOCIATION FOR LEAVE TO FILE APPLICATION FOR REHEARING INSTANTER

On April 30, 1998, the Commission issued its Rehearing Entry in this matter and, for the first time in this case, announced a "policy" regarding the treatment of confidential information in customer contracts. Entry on Rehearing at ¶6. According to the Rehearing Entry, that "policy" is intended to apply to all incumbent local exchange carriers in the State of Ohio, and constitutes a departure from the confidentiality rules that are set forth in Ohio Administrative Code §4901-1-24[1].

For good reasons, the OTIA was not a party and did not seek intervention in this proceeding. First, the OTIA understood that these cases considered how to apply Ohio Administrative Code §4901-1-24 to the specific circumstances of a specific carrier, Ameritech Ohio; consequently, the OTIA had no reason to believe that this case involved issues of general interest to all of its members. Second, the Commission gave no prior notice of its intentions to consider interpretation or variation of Ohio Administrative Code §4901-1-24 (such as through initiation of rulemaking proceedings or service of prior orders), and so the OTIA had no reason to question its belief.

It follows, then, that the OTIA's failure to appear before now was due to "just cause" within the contemplation of Revised Code §4903.10.

---

[1] Notably, the OTIA does not take a position concerning the merits of that policy, and in its proposed Application for Rehearing voices no objection to that policy as applied to Ameritech Ohio.

Additionally, the OTIA submits that because it neither appeared nor provided comment concerning the "policy" adopted in the Rehearing Entry, its interests were not adequately considered in this proceeding. Indeed, because the "policy" was first announced in the Rehearing Entry — without any prior notice that such a "policy" was even to be considered — the OTIA submits that the Commission could not have "adequately considered" the interests of any party to these proceedings (except those of Ameritech).

Finally, the OTIA's Motion is tendered, along with its Application for Rehearing, thirty (30) days after entry of the Rehearing Entry. For the same reason that the OTIA seeks leave to file its Application for Rehearing (that is, because the "policy" was first announced in the Rehearing Entry), the OTIA was, despite its best efforts, unable to determine its position and act upon that determination before now. Accordingly, the OTIA requests that leave to file the Application for Rehearing be granted instanter.

For the foregoing reasons, the Ohio Telecommunications Industry Association prays that its Motion for Leave to File Application for Rehearing Instanter be granted.

Respectfully submitted,

THE OHIO TELECOMMUNICATIONS
INDUSTRY ASSOCIATION

By: Thomas E. Lodge
Thomas E. Lodge (0015741)
J. Raymond Pronaska (0017567)

THOMPSON HINE & FLORY LLP
One Columbus
10 West Broad Street, Suite 700
Columbus, Ohio 43215-3435
(614) 469-3200

Its Attorneys

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing, has been served by regular U.S. mail, postage prepaid, this 29th day of May, 1998, upon all parties listed below:

Jon F. Kelly, Esq.
AMERITECH OHIO
150 East Gay Street, Room 4-C
Columbus, Ohio 43215

Benita A. Kahn, Esq.
VORYS, SATER, SEYMOUR AND PEASE
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216

Denise C. Clayton, Esq.
Vice President, Regulatory and External Affairs
Two Easton Oval, Suite 300
Columbus, Ohio 43219

Marsha Schermer, Vice President
Time Warner Communications of Ohio
65 East State Street, Suite 1800
Columbus, Ohio 43215

Thomas E. Lodge