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October 5, 1998

Ms. Daisy Crockron  
Chief of Docketing Division  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43266-0573

**Re: In the Matter of The Nova Telephone Company's Application to Add IntraLATA  
Presubscription  
Case No. 96-1314-TP-ATA**

Dear Ms. Crockron:

Enclosed for filing is an original and ten (10) copies of a memorandum contra to the motion of United Telephone Company of Ohio d/b/a Sprint and Sprint Communications Company, L.P. to intervene and suspend the company's presubscription implementation charge.

Please call me if you have any questions regarding this matter.

Very truly yours,



Gerald A. Cooper  
GAC/glm  
Enclosures

cc: Richard L. Ringler, President  
Scott Potter  
J. Raymond Prohaska, Esq.  
Thomas E. Lodge, Esq.

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BRUSSELS, BELGIUM CINCINNATI CLEVELAND COLUMBUS DAYTON PALM BEACH WASHINGTON, D.C.

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of )  
The Nova Telephone Company to Add )  
IntraLATA Presubscription. )  
 ) CASE NO. 96-1314-TP-ATA  
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**THE NOVA TELEPHONE COMPANY'S MEMORANDUM CONTRA MOTION OF  
UNITED TELEPHONE COMPANY OF OHIO d/b/a SPRINT AND SPRINT  
COMMUNICATIONS COMPANY L.P. TO INTERVENE AND SUSPEND THE NOVA  
TELEPHONE COMPANY'S PRESUBSCRIPTION IMPLEMENTATION CHARGE**

The Nova Telephone Company (the "Company") implemented 1+ intraLATA dialing parity on August 8, 1997. Pursuant to the entry of this Commission approving the Company's intraLATA presubscription tariffs and the entry granting the Company a temporary waiver of the deadline for filing its MOU rate (the "Entry"), the Company filed its proposed 1+ intraLATA presubscription incremental cost recovery minutes of use (MOU) rate on September 25, 1998. In accordance with the Entry, the MOU rate will become effective on October 26, 1998.

On September 17, 1998, United Telephone Company of Ohio d/b/a Sprint and Sprint Communications Company L.P. (collectively, "Sprint") filed a motion to intervene in this case and to suspend the MOU rate. Sprint alleges that the Company's proposal violates Section X.F. of the Local Service Guidelines promulgated by this Commission in Case No. 95-845-TP-COI (the "Guidelines") because it included only switched access minutes of interexchange carriers ("IXC") in its MOU rate calculation.

Section X.F. of the Guidelines provides :

The incremental costs directly associated with the introduction of 1+ intraLATA dialing parity shall be borne by providers of telephone exchange service and telephone toll service. Costs shall be recovered through a Commission-approved switched access per minute of use charge applied to all originating intraLATA switched access minutes generated on lines that are presubscribed for intraLATA toll service. Recovery of these costs shall not include recovery of costs incurred for PIC charges during the initial 90-day no-charge period. (emphasis supplied)

During implementation of intraLATA equal access, the Company's customers were allowed to select an intraLATA carrier. If they did not do so, then they remained assigned to their "default" carrier, the primary carrier that had existed before intraLATA equal access. Thus, as implementation progressed, each access line either became presubscribed or it did not.

When the Company calculated its MOU rate, the Company included all switched access minutes generated on lines that were presubscribed for intraLATA service. Contrary to Sprint's allegations, whether a carrier was an IXC or was a local exchange company was not a factor in determining which minutes were included; rather, in accordance with the Guidelines, the determining factor was whether the minutes were on presubscribed lines.

Based on the forgoing, the Company asserts that the methodology it used for calculating its MOU rate is consistent with the Guidelines. Nevertheless, the Company is a local exchange carrier ("LEC") that does not provide intraLATA toll service, and its primary concern in this matter is that it be able to fully recover its incremental costs of implementing 1+ intraLATA presubscription without unnecessary delay, confusion, or additional burden to the Company. Accordingly, the Company respectfully requests that the Commission address and decide upon the issues raised by Sprint expeditiously. Further, the Company requests that the Commission take note that it strongly objects to any resolution of this matter that would result in additional burden to the Company. Finally, the Company requests that it be permitted to adjust its rate to

account for any costs that it incurs as a result of having to suspend, revise, or further justify its  
MOU rate, and any other relevant costs it has or will incur since it filed its proposed MOU rate.

Respectfully submitted,

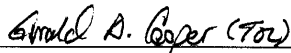
THE NOVA TELEPHONE COMPANY

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Its Attorneys

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing *The Nova Telephone Company's Memorandum Contra Motion of United Telephone Company of Ohio d/b/a Sprint and Sprint Communications Company L.P. to Intervene And Suspend The Nova Telephone Company's Presubscription Implementation Charge* was served upon the following by regular U.S. Mail, postage prepaid, this 3<sup>rd</sup> day of October, 1998.

  
\_\_\_\_\_  
Gerald A. Cooper

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