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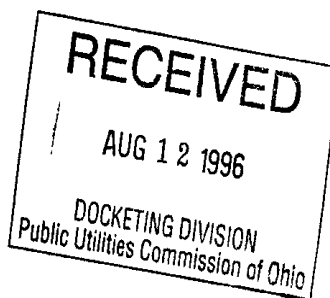
Attorneys at Law

August 12, 1996

96-815-TP-ATA

Gerald A. Cooper  
(614) 469-3223  
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HAND DELIVERED



Ms. Daisy Crockron  
Chief of Docketing Division  
Public Utilities Commission of Ohio  
180 East Broad Street, 10th Floor  
Columbus, OH 43266-0573

RE: In the Matter of The Ayersville Telephone Company's Application to Comply with PUCO Order in Case No. 95-845-TP-COI to Remove Resale Restrictions from Tariffs

Dear Ms. Crockron:

Enclosed for filing is an original and ten copies of an Application to be filed in connection with the above-referenced matter.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Gerald A. Cooper".

Gerald A. Cooper

GAC/jg

Enclosures

cc: Tami Pontious  
J. Raymond Prohaska, Esq.

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 Ann M. W. Date Processed Aug 13, 1996

One Columbus 10 West Broad Street Columbus, Ohio 43215-3435 614-469-3200 fax 469-3361

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

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

Small Telephone Company  
Application not for an Increase in Rates,  
Pursuant to Section 4927.04, Revised Code



In the Matter of )  
 )  
 ) *96-815-TP-ATA*  
THE AYERSVILLE TELEPHONE ) CASE NO. \_\_\_\_\_ TP-ATA  
COMPANY to Comply with PUCO )  
Order in Case No. 95-845-TP-COI to )  
Remove Resale Restrictions from Tariffs )

1. Applicant respectfully proposes: (Check applicable boxes)

- New service
- New classification
- Change in classification
- Change in rule or regulation
- Reduction in rates
- Correction of error
- Various related and unrelated textual revisions, without change in intent
- Other: \_\_\_\_\_

2. Description of service affected and proposal:

The applicant proposes to clarify its tariff regarding resale regulations, and to prohibit the purchase of residential service for resale as business service in accordance with the June 12, 1996 Order in Case No. 95-845-TP-COI.

3. Attached hereto and made a part hereof are: (Check applicable exhibits)

- Exhibit A - existing schedule sheets (to be superseded) if applicable
- Exhibit B - proposed schedule sheets
- Exhibit C-1


(a) if new service is proposed, describe;

- (b) if new equipment is involved, describe (preferably with a picture, brochure, etc.) and, where appropriate, state how proposed service is different from existing services;
- (c) if proposed service results from customer requests, so state, giving if available, the number and type of customers requesting proposed service.
- Exhibit C-2 - if a change of classification, rule or regulation is proposed, a statement explaining reason for change
- Exhibit C-3 - statement explaining reason for any proposal not covered in Exhibits C-1 or C-2
4. This application will not result in an increase in any rate, joint rate, toll, classification, charge or rental.
5. Applicant is filing this application under the alternative regulatory requirements established in Case No. 89-564-TP-COI for small local exchange telephone companies.
6. Applicant respectfully requests the Commission to permit the filing of the proposed schedule sheets, to become effective on the date, subsequent to filing, shown on the proposed schedule sheets; and to be in the form of the schedule sheets in Exhibit B, modified by any further revisions that have become effective prior to the effective date of the proposed schedule sheets.

Respectfully submitted,

THE AYERSVILLE TELEPHONE COMPANY

By:

  
\_\_\_\_\_  
J. Raymond Prohaska (0017567)  
Gerald A. Cooper (0063389)  
THOMPSON HINE & FLORY P.L.L.  
10 West Broad Street  
Columbus, Ohio 43215-3435  
(614) 469-3200 (telephone)  
(614) 469-3361 (telecopier)

Its Attorneys

**VERIFICATION**

State of Ohio, Defiance County, ss:

Robert Zimmerman, President  
Name of Officer (President)(Vice President)

Tami Pontious, Secretary of  
Name of Officer (Secretary)(Treasurer)

Ayersville Telephone Company, being first duly sworn  
Name of Applicant

hereby verify this application.

*Robert Zimmerman*

*Tami Pontious*

Sworn and subscribed before me this 8th day of August, 1996.

*Carol Robbins*  
Notary Public

CAROL ROBBINS  
NOTARY PUBLIC, STATE OF OHIO  
My Commission Expires Feb. 5, 2001

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**EXHIBIT A**

AYERSVILLE TELEPHONE COMPANY

ORIGINAL SHEET NO. 1

P. U. C. O. NO. 1

## RESALE AND SHARING TARIFF

## A. APPLICATION

This Section contains regulations, rates and charges applicable to the Resale and Sharing of Local Exchange Telephone Service required by The Public Utilities Commission of Ohio Opinion and Order for Case No. 85-1199-TP-COI as entered in the Journal August 19, 1986.

## B. GENERAL

- (1) The Telephone Company will permit the resale or sharing of local exchange service. Resale or sharing of local exchange service is provided on non-residence individual lines or trunks. The customers service may be extended to:
- (a) Tenants and guests of nursing homes, retirement homes or villages, apartments and/or apartment complex and other developments for residential use (i.e. Mobile Home Parks),
  - (b) Persons temporarily subleasing a customers residential premises,
  - (c) Patrons of non-residence customers who resell or share their service or equipment.

For the purpose of this tariff "resale and sharing of local exchange service" shall be interpreted in the following manner:

- (a) RESALE - The reselling by a customer of the customer's service to others for profit.
- (b) SHARING - The shared use by a customer with others on a shared cost basis of the customers service.
- (c) LOCAL EXCHANGE SERVICE - Telecommunications service provided within local exchange service areas in accordance with the tariffs. It includes the use of exchange facilities required to establish connections between stations within the exchange and between stations and the toll facilities serving the exchange.
- (d) Other applicable interpretations are those set forth under title "Definitions" Chapter 4901:1-5-02 of the Code of Rules and Regulations.

- (2) The Telephone Company will continue to offer Local Exchange Service to subscribers of the reseller/sharer customer at applicable rates and charges as filed under the General Exchange Tariff then on file with The Public Utilities Commission of Ohio.

ISSUED: March 30, 1987

EFFECTIVE: April 1, 1987

IN ACCORDANCE WITH ORDER NO. 85-1199-TP-COI  
 ISSUED March 3, 1987 BY THE PUBLIC UTILITIES COMMISSION OF OHIO  
 John Weible, President  
 Route 7, Defiance, Ohio 43512

P. U. C. O. NO. 1

RESALE AND SHARING TARIFF

- (3) The Telephone Company will not be responsible for the manner in which the use of service or charges are allocated to others by a customer who resells or shares service. All applicable rates and charges for such service will be billed to the customer.
- (4) Service orders will be accepted by the Telephone Company only from the customer; provided, however, that the Telephone Company will respond to repair and maintenance requests from others and, in such circumstances, the customer is responsible for any maintenance of service charge that may be billed by the Telephone Company.
- (5) Resale or STS access line service will be provided on a measured rate basis pursuant for rates set forth in the local exchange tariff. Where measured (or message) service is not available, the reseller or STS provider shall pay the appropriate flat business individual or trunk rate. Should the Company acquire the capability to offer measured (or message) rate service, it will file an application pursuant to section 4909.18 Revised Code, to institute measured (or message) service charges for resellers and STS providers.

C. REGULATIONS

1. Access Line

Resale and Sharing of local exchange service shall be provided on a Non-Resident Access Line or trunks basis only.

2. Inter-Connection

- (a) Inter-connection of the resale/sharing facilities with the Telephone Company network shall be in accordance of FCC's Part 68 Standards for interconnection.
- (b) CPE and intrasystem wiring used in the reseller/sharing operation shall meet FCC part 68 Standards.

3. Restrictions

The following restrictions shall be applicable to Resale and Sharing operations:

- (a) A reseller/sharer may provide service only within a single building, or a contiguous complex of buildings under common ownership or management (such complex may be intersected by public thoroughfares provided that the property segments created would be continuous in the absence of the thoroughfares);
- (b) Where separate buildings are involved, they must have a related business purpose (e.g., industrial park, shopping center, university, etc.);

ISSUED: March 30, 1987

EFFECTIVE: April 1, 1987

IN ACCORDANCE WITH ORDER NO, 85-1199-TP-COI  
ISSUED March 3, 1987 BY THE PUBLIC UTILITIES COMMISSION OF OHIO  
John Weible, President  
Route 7, Defiance, Ohio 43512

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EXHIBIT B



P. U. C. O. NO. 1  
RESALE AND SHARING TARIFF

A. APPLICATION

This Section contains regulation, rates and charges applicable to the Resale and Sharing of Local Exchange Telephone Service required by The Public Utilities Commission of Ohio Opinion and Order for Case No. 85-1199-TP-COI as entered in the Journal August 19, 1986.

B. GENERAL

1. Except where specifically noted herein, this tariff is not intended to apply to the resale of local exchange service by certified local exchange carriers. (N)
2. This tariff does not permit, by a certified local exchange carrier or any other entity, the purchase of local residential service for resale as business service. Such resale is prohibited. (N)
3. The Telephone Company will permit the resale or sharing of local exchange service. Resale or sharing of local exchange service is provided on non-residence individual lines or trunks. The customer's service may be extended to: (T)
  - a. Tenants and guests of nursing homes, retirement homes or villages, apartments and/or apartment complex and other developments for residential use (i.e. Mobile Home Parks),
  - b. Persons temporarily subleasing a customer's residential premise,
  - c. Patrons of non-residence customers who resell or share their service or equipment.
4. For the purpose of this tariff "resale and sharing of local exchange service" shall be interpreted in the following manner:
  - a. RESALE - The reselling by a customer of the customer's service to others for profit.
  - b. SHARING - The shared use by a customer with others on a shared cost basis of the customers service.
  - c. LOCAL EXCHANGE SERVICE - Telecommunications service provided within local exchange service areas in accordance with the tariffs. It includes the use of exchange facilities required to establish connections between stations within the exchange and between stations and the toll facilities serving the exchange.
  - d. Other applicable interpretations are those set forth under title "Definitions" Chapter 4901:1-5-02 of the Code of Rules and Regulations.
5. The Telephone Company will continue to offer Local Exchange Service to subscribers of the reseller/sharer customer at applicable rates and charges as filed under the General Exchange Tariff then on file with The Public Utilities Commission of Ohio.

ISSUED: August 12, 1996

EFFECTIVE: September 27, 1996

IN ACCORDANCE WITH CASE NO. 96-\_\_\_\_-TP-ATA  
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF OHIO  
Robert Zimmerman, President  
Route 7, Defiance, Ohio 43512

P. U. C. O. NO. 1  
RESALE AND SHARING TARIFF

6. The Telephone Company will not be responsible for the manner in which the use of service or charges are allocated to others by a customer who resells or shares service. All applicable rates and charges for such service will be billed to the customer. (T)
7. Service orders will be accepted by the Telephone Company only from the customer; provided, however, that the Telephone Company will respond to repair and maintenance requests from others and, in such circumstances, the customer is responsible for any maintenance of service charge that may be billed by the Telephone Company.
8. Resale or STS access line service will be provided on a measured rate basis pursuant to rates set forth in the local exchange tariff. Where measured (or message) service is not available, the reseller or STS provider shall pay the appropriate flat business individual or trunk rate. Should the Company acquire the capability to offer measured (or message) rate service, it will file an application pursuant to section 4909.18 Revised Code, to institute measured (or message) service charges for resellers and STS providers.

C. REGULATIONS

1. Access Line  
Resale and Sharing of local exchange service shall be provided on a Non-Resident Access Line or trunks basis only.
2. Inter-Connection
  - (a) Inter-Connection of the resale/sharing facilities with the Telephone Company network shall be in accordance of FCC's Part 68 Standards for interconnection.
  - (b) CPE and intrasystem wiring used in the reseller/sharing operation shall meet FCC part 68 Standards.
3. Restrictions  
The following restrictions shall be applicable to Resale and Sharing operations:
  - (a) A reseller/sharer may provide service only within a single building, or a contiguous complex of buildings under common ownership or management (such complex may be intersected by public thoroughfares provided that the property segments created would be continuous in the absence of the thoroughfares);
  - (b) Where separate buildings are involved, they must have a related business purpose (e.g., industrial park, shopping center, university, etc.);

ISSUED: August 12, 1996

EFFECTIVE: September 27, 1996

IN ACCORDANCE WITH CASE NO. 96-\_\_\_\_-TP-ATA  
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF OHIO  
Robert Zimmerman, President  
Route 7, Defiance, Ohio 43512

**EXHIBIT C**

EXHIBIT C-2

The Telephone Company, pursuant to The Public Utilities Commission of Ohio Order No. 95-845-TP-COI and to implement Sec. 251(b) of The Federal Communications Act of 1996, proposes to clarify the scope of its Resale and Sharing Tariff and to prohibit the purchase of local residential service for sale as local business service. The Company states that it is exempt from the provisions of Section 251(c) of the Federal Telecommunications Act of 1996 and that the filing of this Application is in no way intended to waive the Company's exemption therefrom.