

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application and Petition)	
in Accordance with Section II.A.2.b. of the)	
Local Service Guidelines Filed by:)	
)	
The Champaign Telephone Company)	Case No. 04-1494-TP-UNC
Telephone Service Company)	Case No. 04-1495-TP-UNC
The Germantown Independent Telephone)	Case No. 04-1496-TP-UNC
Company and)	
Doylestown Telephone Company)	Case No. 04-1497-TP-UNC

ENTRY ON REHEARING

The Commission finds:

- (1) On January 26, 2005, the Commission issued a Finding and Order (Commission Order) denying the applications and petitions of The Champaign Telephone Company (Champaign), Telephone Service Company (TSC), The Germantown Independent Telephone Company (Germantown), and Doylestown Telephone Company (Doylestown) seeking relief as rural telephone companies and rural carriers pursuant to 47 U.S.C. §251(f)(1) and (2)¹ and the Commission's local service guidelines. Champaign, TSC, Germantown, and Doylestown (collectively, "Applicants") had filed the applications and petitions on September 28, 2004, after each had received a September 14, 2004, bona fide request (BFR) for interconnection from MCImetro Access Transmission Services, LLC and Intermedia Communications, Inc. (collectively, MCI).

¹ Under 47 U.S.C. §251(f)(1), a State commission shall terminate a rural telephone company exemption if a bona fide request for interconnection, services, or network elements "is not unduly economically burdensome, is technically feasible, and is consistent with section 254 [concerning universal service requirements]...." Similarly, under 47 U.S.C. §251(f)(2), a local exchange carrier having fewer than two percent of the nation's subscriber lines installed in the aggregate nationwide is eligible for suspension or modification of interconnection obligations if "the State commission determines that such suspension or modification (A) is necessary (i) to avoid a significant adverse economic impact on users of telecommunications services generally; (ii) to avoid imposing a requirement that is unduly economically burdensome; or (iii) to avoid imposing a requirement that is technically infeasible; and (B) in consistent with the public interest, convenience, and necessity."

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- (2) Section 4903.10, Revised Code, states that any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days of the entry of the order upon the Commission's journal.
- (3) On February 25, 2005, Applicants filed for rehearing. Applicants argue that the Commission Order is "unjust, unreasonable, and an abuse of discretion," and that the Commission erred by (a) assigning to Applicants the burden of demonstrating the need to continue the 47 U.S.C. §251(f)(1) exemption, (b) finding that Applicants did not meet that burden, (c) terminating Applicants' 47 U.S.C. §251(f)(1) exemption, (d) requiring Applicants to prove that economic burdens caused by MCI's interconnection request must be "beyond the economic burdens typically associated with efficient competitive entry," (e) determining that MCI is a "telecommunications carrier" that will provide "telecommunications services" under 47 U.S.C. §153 and 47 U.S.C. §251(c), (f) deferring to a company-specific arbitration questions concerning economic impact of interconnection, undue economic burden, and whether such interconnection is in the public interest, convenience, and necessity, (g) lifting the stay of the nine-month timeframe established in 47 U.S.C. §252 and (h) directing that negotiations occur between the parties. A memorandum in support is attached to the application for rehearing.
- (4) On March 7, 2005, MCI responded to the application for rehearing by filing a memorandum contra. MCI contends that the record supports the Commission's conclusions that (a) MCI's BFR will not result in an undue economic burden for Applicants and (b) the BFR complies with universal service principles and is in the public interest. MCI also asserts that (c) the Commission's reference to economic burdens beyond those typically associated with efficient competitive entry does not constitute error giving rise to reversal on hearing, (d) the Commission correctly determined the MCI is a "telecommunications carrier" for purposes of MCI's BFR, (e) the Commission correctly determined the specific issues concerning undue economic burdens could be addressed in individual arbitrations, and (f) the stay of the nine-month time frame was properly lifted as of January 26, 2005.

- (5) The Commission grants the application for rehearing filed by Champaign, TSC, Germantown, and Doylestown. We believe that sufficient reason has been set forth by Applicants to warrant further consideration of the matters specified in the application for rehearing.

It is, therefore,

ORDERED, That the application for rehearing submitted by Champaign, TSC, Germantown, and Doylestown is granted for reasons specified in the application for rehearing. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

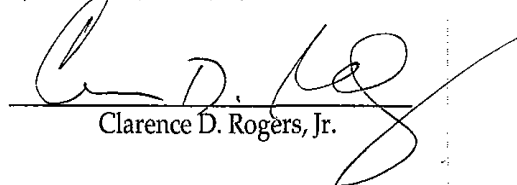
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman

Ronda Hartman Fergus


Judith A. Jones

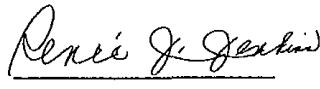
Donald L. Mason


Clarence D. Rogers, Jr.

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Entered in the Journal

MAR 23 2005


Renee J. Jenkins
Secretary