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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the complaint of)
ICG TELECOM GROUP, INC., regarding)
the payment of reciprocal compensation,)
)
Complainant,)
)
v.)
)
AMERITECH OHIO,)
)
Respondent.)

Case No. 97-1557-TP-CSS

AMERITECH OHIO'S MEMORANDUM CONTRA

Ameritech Ohio submits this Memorandum Contra to the motions to intervene or consolidate filed by Time Warner Communications of Ohio, L.P. (Time Warner), TCG Ohio (TCG), Brook Fiber Communications of Ohio (Brooks Fiber) and MCImetro Access Transmission Services (MCI) in the above captioned case.

Ameritech Ohio does not object to the Commission granting intervention to these parties for the purpose of addressing the general issues relating to whether Internet service provider traffic is exchange access or local traffic for reciprocal compensation

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purposes.¹ However, in granting intervention the Commission should make it clear that the language of the individual interconnection agreements between Ameritech Ohio and TCG, Brooks Fiber, Time Warner and MCI is not an appropriate or relevant subject for this ICG complaint case.²

As shown by MCI in its Memorandum in Support of its Motion to Intervene, the companies requesting intervention all have interconnection agreements with Ameritech Ohio. However, each of the interconnection agreements was negotiated separately and the facts surrounding those agreements are, therefore, not identical. The Commission's carrier to carrier complaint procedures should be used to focus on the specific facts as they relate to an interconnection agreement between individual parties. Consolidation of multiple carrier complaints involving multiple individual interconnection agreements would be inconsistent with the Commission's rapid resolution of carrier to carrier complaints. The procedural schedule required for a case involving five individual carrier complaints and interconnection agreements would be much more lengthy than the expedited schedule established in this case.

¹ Ameritech Ohio currently has pending a Motion to Stay Proceedings. In that Motion Ameritech Ohio requested that this proceeding be stayed until the FCC issues its ruling in CCB/CBD Docket No. 97-30. In that case the FCC is considering the identical issue presented in ICG and MCI's complaints. Ameritech Ohio continues to believe that the appropriate course of action for the Commission is to stay these proceedings. The filing of this Memorandum Contra is based on the fact that the Commission has yet to rule on the Motion to Stay and should not be considered as a waiver of the positions taken in that Motion to Stay.

² Time Warner's Motion sets forth several alternative requests. Time Warner's Motion seeks intervention, a complaint under Section 4905.26 or amicus status. Ameritech Ohio does not object to the Commission granting Time Warner's primary request that it be granted intervention status.

Moreover, as to TCG, Brooks Fiber and Time Warner there does not appear to be a current dispute over the payment of reciprocal compensation for Internet service provider traffic. TCG, p. 2; Brooks Fiber, p.2; Time Warner, pp.1-2. Rather, those companies anticipate that a dispute will arise in the future based on the allegations contained in ICG's complaint case and the positions taken by Ameritech Ohio. If carriers subsequently decide to file their own complaint cases, then those individual complaint cases should be treated as separate cases under the Commission's carrier to carrier complaint procedures. For all of the above reasons, Ameritech Ohio does not object to the Commission granting intervention for the limited purpose of addressing the general issues presented by ICG's complaint case concerning the classification of Internet service provider traffic. For the same reasons, the Commission should not consolidate the MCI separate complaint case with this case.³

Respectfully submitted,

AMERITECH OHIO

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³ Based on discussions which occurred during the scheduling conference in this case, should MCI be granted intervention, then MCI may not wish to actively litigate its separate complaint case, Case No. 97-1723-TP-CSS, at this time.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Ameritech Ohio's Memorandum
Contra was served upon counsel for the parties as shown on the attached service list by
fax or hand delivery this 8th day of January, 1998.

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