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May 22, 1997

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PUCO

The Honorable Mary K. Fenlon
Chief, Telecommunications
Legal Department
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43266-0573

Re: "Fresh Look" Proceedings
Case No. ~~96-349-TP-ACE~~ and Case No. 96-1036-TP-ACE

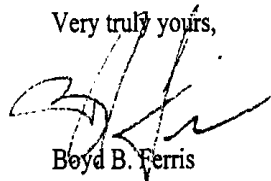
Dear Ms. Fenlon:

Pursuant to Section VI(J) of the local service guidelines set forth in Case No. 95-845-TP-COI, regarding the Commission's determination how the "Fresh Look" provision will operate, we submit herewith initial comments on behalf of our client, ICG Telecom Group, Inc.

Our initial comments are being served upon all participants in the "Fresh Look" forum of May 14, 1997.

Please feel free to give me a call if you have any questions.

Very truly yours,



Boyd B. Ferris

BBF:prj
Enclosure

cc: Parties of Record
Docketing Section ✓

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Technician *Anna M. [unclear]* Date Processed *May 23, 1997*

ICG TELECOM GROUP, INC.

OHIO "FRESH LOOK" PROVISIONS

SUGGESTED QUESTIONS AND ANSWERS:

1. Q. When does the 180 day "Fresh Look" time frame start and what is the geographical coverage?

A. The clock should start per MSA in Ohio. This would mean one "Fresh Look" time frame in each major market and should begin as quickly as possible. For those major markets for which a request has already been received by the Commission, the start date should occur no later than July 1, 1997.
2. Q. Is there one "Fresh Look" period per market or one "Fresh Look" period per CLEC per market?

A. There should be only one "Fresh Look" period per MSA. This is consistent with the "Fresh Look" provisions contained in the Commission's Local Service Guidelines.
3. Q. "Fresh Look" applies to customers who have two years or more left on their current contract. Some customers may be passing the two year mark while the Commission works out details regarding application of the "Fresh Look" provisions. Will those customers qualify for the "Fresh Look" provisions?

A. Since the purpose of "Fresh Look" is to serve the end user customer, customers who have two years or more left on their current contract at the time the clock officially starts for the MSA, should be considered eligible for "Fresh Look" treatment.
4. Q. If a customer's contract with an ILEC covers more than one MSA, what MSA time frame should be utilized in determining whether the customer is eligible for "Fresh Look" treatment?

A. If an end user customer's contract qualifies for "Fresh Look" in any MSA, the "Fresh Look" treatment should be extended to the entire contract.

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5. Q. Are ILEC contracts the only agreements which qualify for "Fresh Look" treatment, or do existing CLEC contracts also qualify?
- A. By definition, the "Fresh Look" provisions adopted by the Commission apply only to ILEC contracts not subject to affective competition at the time they were executed. Accordingly, only ILEC contracts qualify for "Fresh Look" treatment.
6. Q. Do contracts with an ILEC reseller, such as Ameritech resellers USN and CBG, qualify for "Fresh Look" treatment?
- A. Yes.
7. Q. To which ILEC contract products should the "Fresh Look" provisions apply?
- A. Any product under contract, including Centrex, digital trunks and ISDN PRI.
8. Q. How will the customer determine the amount of any termination liability that might exist if the customer chooses to take advantage of the "Fresh Look" provisions?
- A. The Commission's "Fresh Look" provisions provide for a termination charge not exceeding the difference between (a) the amount the customer has already paid; and (b) any additional charges the customer would have paid for service if the customer had taken a shorter term offering that would have been available to the term actually used. That information is not readily available to either the customer or the CLEC, and the ILEC should be required to provide a "hot line" number for customers to call.
9. Q. If there was more than one tariff rate that might have been available to a customer electing a shorter term offering, as referred to in Question No. 8 above, which rate should the ILEC use in determining the termination charge?
- A. The termination charge should be limited to the difference between the amount the customer already paid, and the lowest alternative rate available to the customer if a shorter term offering had been elected.
10. Q. Do the Commission's "Fresh Look" provisions allow an ILEC to counter a competitive proposal with an offering of its own?
- A. Yes, the ILEC can provide a quote to the customer for a current tariffed product.

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11. Q. If an existing ILEC contract with a customer contains confidentiality provisions, should those provisions be nullified and the customer be permitted to participate in the "Fresh Look" provisions?
- A. The Commission's decision regarding "Fresh Look" provisions should nullify any confidentiality or related agreements if failure to do so would preclude the customer's participation in the "Fresh Look" program.
12. Q. Should the 180 day period be delayed until more CLECs have become operational?
- A. No. To do so would result in indefinite delays and could extend well beyond the time when the "Fresh Look" provisions could be applied meaningfully.
13. Q. The Commission has agreed to provide an informational pamphlet to the CLECs, other interested parties and the general public outlining the provisions of "Fresh Look". How will the customers know how to inform the ILEC that they are invoking "Fresh Look" for a contract they have with the ILEC?
- A. The pamphlet should include a "hot line" number at the ILEC that the customer can call or a copy of a document that the customer can send to the ILEC.
14. Q. Do the "Fresh Look" provisions apply to contracts for intraLATA toll call service?
- A. Yes.
15. Q. Should resellers be able to utilize the "Fresh Look" window?
- A. No. The "Fresh Look" window applies only to CLECs.
16. Q. What procedure should be utilized by the Commission in resolving disputes regarding opportunities to end long-term arrangements pursuant to the "Fresh Look" provisions?
- A. The Commission should require each ILEC to file, on an expedited basis, any contract the ILEC believes should not be afforded "Fresh Look" treatment; and such disputes should be placed on an accelerated schedule for resolution.