

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Cincinnati Bell Long Distance, Inc. for) Case No. 00-1561-TP-ATR
Authority to Transfer Certain Assets to)
Broadwing Telecommunications, Inc.)

FINDING AND ORDER

The Commission finds:

- (1) On August 25, 2000, as subsequently amended on December 11 and December 18, 2000, Cincinnati Bell Long Distance, Inc. (CBLD) filed an application requesting the Commission's approval to transfer the long distance assets from CBLD to Broadwing Telecommunications, Inc. (BTI). CBLD is a facilities-based and resale provider of local exchange, local toll, and interexchange telecommunications services in Ohio. BTI is authorized to provide competitive telecommunications services throughout Ohio under Certificate No. 90-5815 approved in Case No. 00-17-CT-ZCN (January 7, 2000).
- (2) In November 1999, Cincinnati Bell Inc. acquired DC Communications, Inc. and formed Broadwing Inc., a holding company with several diverse voice, data, and internet subsidiaries including CBLD and BTI. This application arises out of the desire of Broadwing Inc. to consolidate the operations of CBLD and BTI in order to create operating efficiencies. As a result of this consolidation, CBLD will cease serving customers as a competitive long distance company and will, upon Commission approval of this transaction and a companion case on this week's agenda, namely, Case No. 00-1429-TP-ATR, relinquish its authority to operate as public utility in the state of Ohio. Subsequent to approval of this application, customers now subscribing to CBLD for long distance service will receive long distance service from BTI. Customers currently subscribing to local exchange service from CBLD will receive local exchange service from Broadwing Local Services Inc. as a result of Case No. 00-1429-TP-ATR.
- (3) On March 31, 2000, BTI's petition seeking a waiver of the presubscribed interexchange carrier change authorization and verification requirements was granted by the Federal Communications Commission (FCC) in CC Docket No. 94-129.

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- (4) The aforementioned FCC authorization did not include the CBLD customers subscribed to CBLD's Cincinnati Bell Any Distance service. BTI argued to the FCC and to this Commission that the two-phase customer notification is not suitable in this instance and would unnecessarily cause customer confusion. BTI continued by arguing that customers would be confused because the service, Cincinnati Bell Any Distance, would not change from the customer's perspective. In fact, BTI maintained that nothing would change except that the involved customers would now receive long distance services from BTI. Given the transparency of the carrier change, BTI asserted that Cincinnati Bell Any Distance subscribers would be unnecessarily confused if they were to receive traditional carrier change notification letters.
- (5) After reviewing the application and supporting exhibits, the Commission concludes that the transfer of service from CBLD to BTI does not appear to be unreasonable, improper, or contrary to the public interest. The Commission concludes, therefore, that the application should be approved. Our decision is conditioned upon our understanding that the affected CBLD customers will receive the same or better rates from BTI than those customers currently receive from CBLD. In addition, the Commission finds that, under the unique circumstances presented by this matter including, but not limited to, the fact that this transaction will be transparent to the involved subscribers, customer notice to the subscribers of the Cincinnati Bell Any Distance service is not necessary.
- (6) The Commission also finds that the revised, proposed BTI tariffs filed on August 25, 2000, as amended on December 11, December 15, and December 18, 2000, are approved. BTI is directed to file final tariffs under the BTI TRF No. 90-5815.
- (7) As a result of this case and the companion case, Case No. 00-1429-TP-ATR, CBLD's certificate of public convenience and necessity number 90-5110 as well as CBLD's tariff are canceled and CBLD should be removed from the rolls of Commission regulated entities.

It is, therefore,

ORDERED, That the transfer of service requested by CBLD is approved in accordance with finding (5). It is, further,

ORDERED, That BTI's proposed tariffs, as subsequently amended, are approved in accordance with finding (6). It is, further,

ORDERED, That BTI is authorized to file in final form, three complete printed copies of its final tariff consistent with this finding and order. BTI should file its tariff, under one cover letter, that references both this case number and its TRF case number. It is, further,

ORDERED, That the effective date of the revised tariff shall be a date not earlier than both the date of this finding and order and the date upon which three complete printed copies of final tariffs are filed with the Commission. It is, further,

ORDERED, That CBLD's operating authority is canceled in accordance with finding (7). It is, further,

ORDERED, That a copy of this finding and order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

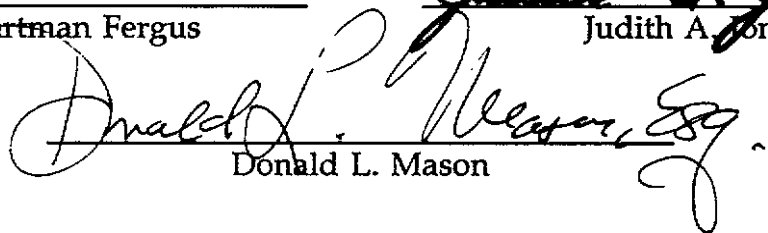


Alan R. Schriber, Chairman

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JRJ/vrm

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