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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Numerous Applications of )  
Ameritech Ohio for Approval of a Contract ) Case No. 96-389-TP-AEC, et al.  
Or other Arrangement Between Ameritech )  
Ohio and Various of its Customers. )

**AT&T'S MOTION FOR LEAVE TO INTERVENE AND FILE ITS  
MEMORANDUM CONTRA TO AMERITECH'S APPLICATION FOR  
REHEARING INSTANTER (AND MEMORANDUM IN SUPPORT)**

Pursuant to Section 4903.221, Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, AT&T Communications of Ohio, Inc. ("AT&T") respectfully moves to intervene in this proceeding. AT&T further requests that the Commission grant it leave to file instanter its Memorandum Contra to Ameritech Ohio's Application for Rehearing.

As more fully discussed in the attached memorandum, AT&T submits that it has a real and substantial interest in this proceeding which is not adequately represented by any other party. Its intervention will not unduly prolong this proceeding and it will significantly contribute to the full development and equitable resolution of the issues in this case.

AT&T further states that its failure to enter an appearance in this matter before entry of the Rehearing Entry was due to just cause, as contemplated by Revised Code Section 4903.221. The reasons supporting the Motion to Intervene are more fully set forth in the accompanying Memorandum in Support.

WHEREFORE, AT&T respectfully requests the Commission to grant it leave to intervene in this matter. AT&T further requests that the Commission grant it leave to file instanter its Memorandum Contra to Ameritech Ohio's Application for Rehearing.

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 Anna M. W. Date Processed June 12, 1998

Respectfully submitted,

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**MEMORANDUM IN SUPPORT**

Rule 4901-1-11(A) of the Ohio Administrative Code sets forth the criteria for the Commission to consider in evaluating mandatory interventions. Rule 4901-11(B) sets forth the criteria for permissive intervention. AT&T clearly meets both sets of criteria and should be granted intervention in this matter.

AT&T obviously has a real and substantial interest in the proceeding. On April 30, 1998, the Commission issued its Rehearing Entry in this matter and, although the issue was never previously raised, announced a new "policy" applicable to all Ohio NECs regarding the treatment of confidential customer contracts. Entry on Rehearing, ¶ 6. By

its terms, that policy is intended to apply to all incumbent and new entrant local exchange carriers in the state of Ohio. AT&T is a new entrant carrier potentially subject to the terms of this new policy.

Moreover, Ameritech has further implicated AT&T's interests by filing its Application for Rehearing, in which it argues that the Commission's new contractual filing requirement should apply not only to ILECs and NECs, but also to all IXCs. This issue was never presented in this proceeding until Ameritech filed its present application. As an IXC, AT&T's interests are affected by Ameritech's latest application.

Like other NECs and LECs throughout the state, AT&T did not previously seek intervention in this proceeding. First, AT&T viewed this case for what it is: a proceeding directed at applying Ohio Administrative Code § 4901-1024 to circumstances raised by one particular carrier, Ameritech Ohio, the dominant local exchange carrier in Ohio. Moreover, the Commission gave no general notice of its intention to consider interpretation or variation of the Ohio Administrative Code as it applies to carriers other than Ameritech. Finally, the question of whether the Commission's new policy should apply to IXCs was never raised until Ameritech filed its instant application for rehearing. Thus, AT&T had "just cause" for failing to appear in this matter until now, as contemplated by Revised Code § 4903.221.

Second, AT&T's interest in this proceeding was not adequately protected by other parties. No party has yet to file a response to Ameritech's Application for Rehearing.

AT&T's motion to intervene will also not unduly delay these proceedings or otherwise prejudice the existing parties. AT&T plans to participate in this proceeding in accordance with whatever schedule the Commission might set.

WHEREFORE, AT&T respectfully requests this Commission to grant it leave to  
intervene in this matter and file its Memorandum Contra to Ameritech Ohio's  
Application for Rehearing.

Respectfully submitted,

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Dated: June 11, 1998

CERTIFICATE OF SERVICE

Case No. 96-389-TP-AEC, et al.

The undersigned hereby certifies that a copy of the foregoing AT&T's Motion for Leave to Intervene and File its Memorandum Contra to Ameritech's Application for Rehearing Instantly (And Memorandum in Support) on behalf of AT&T Communications of Ohio, Inc. ("AT&T") was served by regular U.S. mail, postage prepaid, this 12th day of June, 1998 upon the following parties of record.

  
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