

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The Ohio ) Bell Telephone Company for Approval of an ) Alternative Form of Regulation. )	Case No. 93-487-TP-ALT
In the Matter of the Implementation of ) Substitute Senate Bill 306 or Substitute House ) Bill 734 of the 121st General Assembly. )	Case No. 96-532-TP-UNC

ENTRY

The Commission finds:

- (1) The Commission issued its opinion and order in this case on November 23, 1994, adopting a stipulation filed by a number of the parties, which provides, among other things, for the replacement of rate-of-return regulation with a price cap regulation plan, to be in effect for at least six years. On March 5, 1996, the Ohio Supreme Court issued its decision in *Time Warner AxS v. Pub. Util. Comm.*, 75 Ohio St. 3d 229, reversing the Commission's opinion and order and remanded this case.
- (2) On May 22, 1996, the staff of the Public Utilities Commission; Ameritech Ohio (Ameritech); Time Warner AxS of Ohio, L.P. and Time Warner Communications of Ohio, L.P.; The Office of the Ohio Consumers' Counsel; AT&T Communications of Ohio, Inc.; Sprint Communications Company L.P.; MCI Telecommunications Corporation (MCI); and the Ohio Cable Telecommunications Association filed a settlement agreement in Case No. 96-532-TP-UNC, which resolved several contested issues. Specifically, item II(B)(4) of the agreement provides that Ameritech shall file tariffs which reduce to zero the intrastate carrier common line rate effective September 1, 1996 for the term of the plan of alternative regulation. In addition, the agreement provides that the Commission would approve the tariff to be effective no later than September 1, 1996. On June 18, 1996, Senate Bill 306 was signed into law. The Bill provided that Ameritech's alternative regulation plan as approved and modified by the Commission in its opinion and order dated November 23, 1994, and its entry on rehearing dated January 19, 1995, will be effective on a prospective basis.

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Technician Rene M. Davis Date Processed Sept 6, 1996

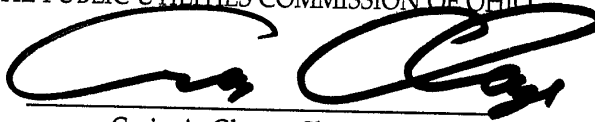
- (3) On August 29, 1996, Ameritech filed Ameritech Tariff, P.U.C.O. No. 20, pursuant to the tariff filing procedures set forth in its alternative regulation plan (Paragraphs 11F and 14), which reduces the intrastate carrier common line rate element to zero.
- (4) On August 30, 1996, MCI filed a responsive pleading both in Case Nos. 83-464-TP-COI, *In the Matter of the Commission Investigation Relative to the Establishment of Intrastate Access Charges*, and 96-532-TP-UNC. In its pleading MCI points out that it has filed various pleadings in the 83-464 case objecting to Ameritech's access charge filing of May 28, 1996 which established a specific per call charge for calls placed from pay telephones (the set use fee). MCI raises concern that Ameritech's tariff filing of August 29, 1996 does not reflect that the set use fee has been eliminated. Therefore, MCI now requests that the Commission suspend the effectiveness of the set use fee and order that Ameritech Tariff P.U.C.O. No. 20 be revised, arguing that the settlement agreement contemplated that such fee would have been eliminated on an intrastate basis when Ameritech reduced the carrier common line charge.
- (5) The Commission finds the tariff to be reasonable, and that it should be approved effective September 1, 1996. This finding, however, does not address the reasonableness of the set use fee or the arguments raised by MCI as to whether it should have been eliminated pursuant to the stipulation. The Commission intends to address the merits of these arguments in a separate proceeding in an expeditious manner. In the meantime, Ameritech should keep track of the revenues generated from the set use fee. The Commission reserves the right to refund these monies if it is determined at a later time that this charge is in violation of the settlement agreement in Case No. 96-532-TP-UNC.

It is, therefore,

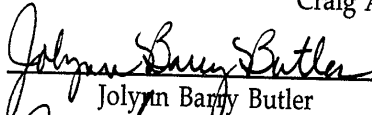
ORDERED, That Ameritech Tariff P.U.C.O. No. 20 is approved effective September 1, 1996. It is, further,

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

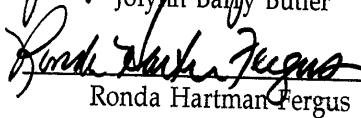
THE PUBLIC UTILITIES COMMISSION OF OHIO



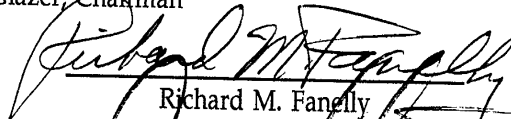
Craig A. Glazer, Chairman



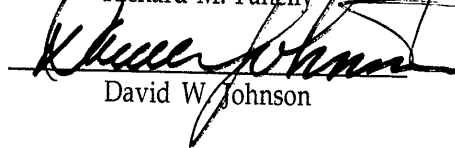
Jolynn Barry Butler



Ronda Hartman Fergus



Richard M. Fancilly



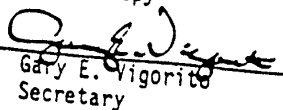
David W. Johnson

MKF/vrh

Entered in the Journal

SEP 5 1996

A True Copy



Gary E. Vigorito  
Secretary

SERVICE NOTICE  
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CASE NUMBER 96-532-TP-UNC  
CASE DESCRIPTION SENATE BILL 306/HOUSE BILL 734  
DOCUMENT SIGNED ON September 5, 1996  
DATE OF SERVICE *Sept 5, 1996*

PERSONS SERVED  
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