

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO



In the Matter of TCG Cleveland's)
Petition for Arbitration of Interconnection)
Rates, Terms and Conditions and) Case No. 96-694-TP-ARB
Related Arrangements with Ameritech)
Ohio.)

AT&T Communications of Ohio, Inc.'s)
Petition For Arbitration of Interconnection)
Terms, Conditions and Prices From Ohio) Case No. 96-752-TP-ARB
Bell Telephone Company.)

**AMERITECH OHIO'S MEMORANDUM IN RESPONSE TO
MOTION TO CONSOLIDATE**

MCI's Motion for Consolidation reiterates the same points it made in comments submitted in Case No. 96-463-TP-UNC. The Commission's July 18, 1996 Entry in Case No. 96-463, which established its Guidelines for Mediation and Arbitration, concluded that while its guidelines allow for consolidation where appropriate, consolidation is an exception rather than the rule. Ameritech Ohio believes that, under certain circumstances, MCI's motion might arguably have some merit. However, based on the circumstances that exist here, Ameritech Ohio defers to the Commission's discretion in determining how best to apply its resources in conducting arbitrations.

Notably, the time constraints imposed by the Act create a number of complicating factors with respect to MCI's proposed consolidation. The Act requires that arbitrations be concluded within nine months of a request for negotiation. §252(b)(4)(C). As result, each arbitration has its own time frame and deadline. MCI would have the Commission complete a consolidated arbitration involving three -- or more -- requesting carriers in accordance with the earliest applicable deadline. This "least

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common denominator" approach may put a substantial additional strain on the resources of the Commission as it attempts to arbitrate several agreements within a truncated time frame.

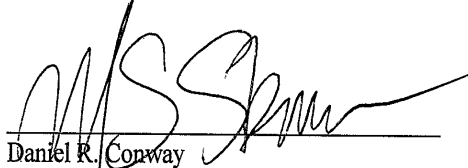
This also is not a situation where MCI has filed a petition for arbitration raising issues identical to those raised by TCG and AT&T. Given the recent filing of its petition for arbitration with Ameritech Ohio, MCI does not specifically identify in its motion what overlap it believes exists among the issues raised by MCI and those raised by TCG and AT&T. Of course, to the extent such overlap of issues does exist, the Commission presumably would provide its earlier arbitration decisions on these issues with the appropriate deference required by general principles of administration law. It should be noted that Commission's Entry establishing arbitration guidelines, at page 14, specifically concluded that the potential precedential effect of arbitration awards did not warrant intervention. This conclusion applies to the consolidation also.

Nonetheless, if the Commission concludes that exceptional circumstances warrant some form of consolidation of proceedings or issues, consolidation would serve as a preferable procedural alternative to severing the cost issues from the arbitrations altogether. However, to comply with the statutory timeframes, TCG's schedule for decision must be maintained and therefore, the present timelines for AT&T and MCI would need to be compressed. With some provision for extended filing deadlines, supplemental testimony, and use of the now scheduled AT&T hearing dates for AT&T and MCI, this can be accomplished. In this way, the TCG arbitration could proceed as scheduled and as currently briefed in the nearly completed arbitration packages and the other petitioners would have their opportunity to full participation and input as to the cost issues resulting in a consolidated decision issued on the TCG critical time path. This approach also is sensible since ALL of Ameritech Ohio's cost studies and supporting documentation are currently available to the parties and the staff. TCG did not respond to MCI's Motion to Consolidate and therefore, evidently

has no objection to this concept of consolidation. Thus, this may be one approach which presumably would satisfy all parties and prejudice no one.

It is the Commission that is charged with the duty to arbitrate and approve interconnection agreements in accordance with the Act's deadlines. The Commission also is most familiar with the availability of its resources and its plans for allocating those resources. Therefore, Ameritech Ohio respectfully defers to the Commission's discretion in deciding whether consolidation is advisable.

Respectfully submitted,



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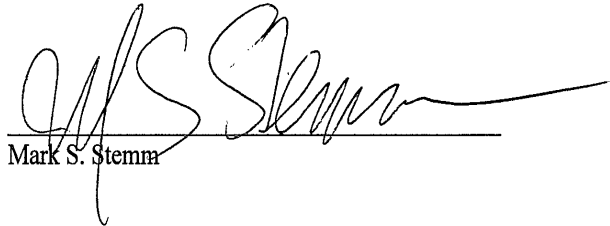
CERTIFICATE OF SERVICE

This is to certify that the foregoing Memorandum has been served this 30th day of August, 1996, by facsimile transmission upon the following:

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