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BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

In the Matter of the Application of Brooks : Case No. 96-349-TP-ACE  
Fiber Communications of Ohio, Inc. for a :  
Certificate of Public Convenience and :  
Necessity to provide Local :  
Telecommunications Services in Certain :  
Specified Areas of Ohio :

In the Matter of the Application of Nextlink : Case No. 96-1036-TP-ACE  
Ohio for a Certificate of Public Convenience:  
and Necessity to Provide Local :  
Telecommunications Services in Ohio :

**COMMENTS OF  
CITY OF COLUMBUS  
CONCERNING FRESH LOOK IMPLEMENTATION**

The City of Columbus, by its undersigned attorneys, hereby submits its comments concerning the procedural and implementation details for a Fresh Look period for local exchange service agreements, as requested by the Public Utilities Commission of Ohio ("Commission").

These comments are set forth in "Q&A" form:

**Q: WHAT PRINCIPLES SHOULD GUIDE THE COMMISSION IN ITS IMPLEMENTATION OF A FRESH LOOK PERIOD?**

**A:** The Public Utilities Commission of Ohio's very forward thinking effort to "jump start" telephone competition in Ohio by implementing a Fresh Look window should be commended. The idea is to allow consumers of telecommunications services to escape from long term contracts and take advantage of new, better and cheaper services provided by competitive telecommunications companies. The logic behind Fresh Look, i.e., monopoly providers have utilized their monopoly

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position to lock in customers for extended periods of time, naturally requires that the Fresh Look principles should enable as many consumers as possible to take advantage of the Fresh Look period. PUCO must consider the impact on consumers first and foremost in their decisions regarding Fresh Look.

**Q: WHEN SHOULD THE FRESH LOOK PERIOD BEGIN?**

**A:** This relatively innocuous question is the heart of the debate in this matter. In an effort to end the Fresh Look period before real choice arrives, the incumbent monopolies have asserted that Fresh Look should begin immediately, if it has not already started. The comments of the monopoly providers is consistent with their efforts to frustrate the purpose of the Fresh Look window, which is to give as many customers as possible choice and to enable or “jump start” competition. It is very clear that the Fresh Look window should not begin when just one competitor is legally authorized to operate but Fresh Look should begin when true competition and real choice has begun. Columbus believes, as does AT&T, that a premature determination of the opening of Fresh Look would severely limit customers’ reasonably available alternatives.

The opening of the window must occur at the same time real choice is available. Columbus may not go so far as MCI, which has suggested that Fresh Look should begin when permanent local number portability is available in each market, but Columbus believes that Fresh Look should only occur when customers have a real choice to select competitive services. Real choice is only available when the systems are in place for competitors to have the opportunity to offer service at parity with the incumbent monopoly. The Commission should inquire and determine that competitors can provide the same levels of service as the incumbent before opening the Fresh Look window. For competitors to have parity, Ameritech must be cooperative in making available

unbundled rate elements so the competitors' services can be marketed as broadly as possible.

On the other hand, starting Fresh Look too late carries some risks in that the new competitive companies that are actually out providing service will not be able to take advantage of it when they need the customers the most and therefore will not obtain revenues during their most vulnerable period. The Commission needs to balance the needs to jump start competition for the new competitors and with the need of consumers to have reasonable choice.

**Q: SHOULD FRESH LOOK APPLY TO RESELLERS?**

**A:** Yes. The over-riding principle is to give consumers the opportunity to benefit from meaningful competitive choices and if those choices are resellers, so be it.

**Q: WHAT ABOUT NOTICE AND TERMINATION LIABILITY?**

**A:** The Commission should provide some official notification that could be utilized by NEC's in addition to using a combination of media, internet, faxes and toll-free numbers. Costs should be allocated on a competitively neutral basis.

Regarding termination liability, it is obvious that the consumers need this information in a timely manner so they can exercise their Fresh Look rights. The Commission needs to look carefully at these requirements so as to not allow the natural gaming of the process that will occur if the incumbent monopoly finds that it can stymie the purpose of Fresh Look by failing to provide information in a timely manner.

**Q: WHAT SERVICES SHOULD BE SUBJECT TO FRESH LOOK?**

**A:** Columbus believes that all services provided by an incumbent monopoly should be subject to Fresh Look. The advantage of a monopoly provider are legion, the various ways the monopoly position can be exploited are limited only by the human imagination and occasionally by the law.

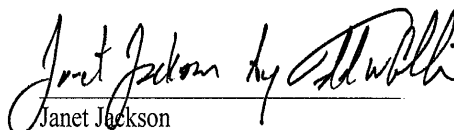
To benefit the largest number of consumers, the broadest possible interpretation should be given so that all doubt as to whether a service should be subject to Fresh Look should be decided in favor of making Fresh Look applicable.

### CONCLUSION

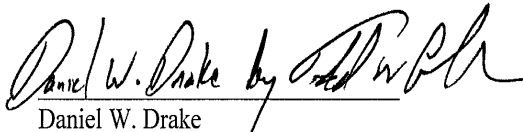
The key point that Columbus would like to make is that the purpose of Fresh Look is to provide meaningful competitive choices for consumers. All decisions of the Commission regarding Fresh Look should keep this in mind. Columbus is somewhat uncomfortable in advocating positions that may benefit one competitive provider more than another without benefits for consumers, so Columbus has not commented on many of the technical arguments that have occurred in these briefs. Columbus is in favor of competition. Fresh Look forwards competition. A liberal interpretation of the opening of the Fresh Look window so as to benefit as many customers as possible and at the same time “jump starting” competition is in the best interest of the consumers located in the City of Columbus.

Respectfully submitted,

CITY OF COLUMBUS  
DEPARTMENT OF LAW



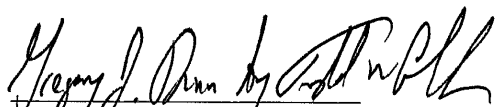
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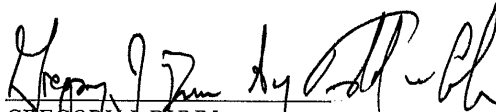
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#### CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served upon all parties indicated on the attached service list, via ordinary U.S. Mail this 15<sup>th</sup> day of July, 1997.

  
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