

file

4

RECEIVED-DOCKETING DIV

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

9-18-98 3 PM 4:14

PUCO

In the matter of the Complaint of)
ICG Telecom Group, Inc. Against Ameritech)
Ohio Regarding the Payment of Reciprocal)
Compensation)

Case No. 97-1557-TP-CSS

MOTION OF AT&T COMMUNICATIONS OF OHIO, INC.
FOR LEAVE TO FILE AMICUS CURIAE BRIEF

AT&T Communications of Ohio, Inc. ("AT&T"), pursuant to the January 22, 1998 Commission Entry, respectfully requests that the Commission grant it leave to file an *amicus curiae* brief in this matter. In further support of its motion, AT&T states as follows:

1. On November 26, 1997, ICG Telecom Group, Inc. ("ICG") filed a complaint with the Commission against Ameritech Ohio alleging that Ameritech had violated its interconnection agreement with ICG by refusing to pay reciprocal compensation for traffic which involved calls to internet service providers.

2. Soon thereafter, various other carriers filed petitions to intervene based on the fact that under the terms of their interconnection agreements with Ameritech, those carriers were also entitled to reciprocal compensation for traffic which involved calls to internet service providers. The Commission, in its January 22, 1998 Entry, denied the motions to intervene, but granted those carriers *amicus curiae* status so that they might address the legal issue of whether internet service provider ("ISP") traffic is local or exchange access traffic. The Commission further recognized that, to some extent, its decision regarding ISP traffic would be precedent-setting, thus acknowledging that granting additional *amicus curiae* status could be appropriate. Contemporaneous with this

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 Joan Schaeffer Date Processed 9-4-98

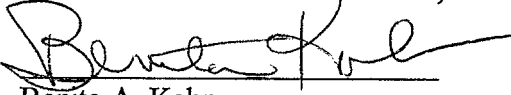
motion, several parties, including Time Warner, TCG, Brooks Fiber and AT&T have, in fact, filed a joint *amicus curiae* post-hearing brief. Time Warner TCG and Brooks Fiber were specifically granted *amicus* status in the January 22, 1998 Entry.

3. By this motion, AT&T is asking that it also be granted leave to file an *amicus* brief along with those parties that have already been granted *amicus* status. Like those parties, AT&T has an interest in this proceeding because its interconnection agreement with Ameritech provides for the payment of reciprocal compensation between itself and Ameritech for the transport and termination of local exchange traffic. Thus, to the extent the Commission's findings in this matter might affect AT&T's ability to enforce its contractual rights, AT&T seeks to protect those rights through the filing of a joint *amicus* brief.

WHEREFORE, AT&T respectfully requests that the Commission grant it leave to file along with Time Warner Communications of Ohio, L.P., TCG Ohio, and Brooks Fiber Communications of Ohio, Inc., a Joint Post-Hearing Brief.

Dated: March 3, 1998

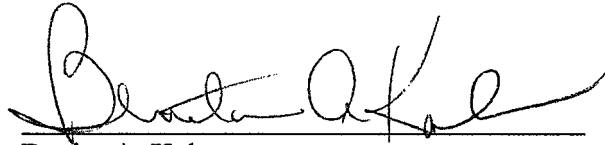
Respectfully submitted,

AT&T Communications of Ohio, Inc.
By: 
Benita A. Kahn
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P. O. Box 1008
Columbus, Ohio 43216-1008
(614) 464-6400

David J. Chorzempa
AT&T Corp.
Suite 1300
227 West Monroe Street
Chicago, Illinois 60606
(312) 230-3503

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion For Leave to File Joint *Amicus Curiae* Post-Hearing Brief was served on the parties listed on the attached service list via ordinary U.S. mail this 3rd day of March, 1998.

A handwritten signature in black ink, appearing to read "Benita A. Kahn", written over a horizontal line.

Benita A. Kahn

SERVICE LIST
CASE NO. 97-1557-TP-CSS

ICG TELECOM GROUP, INC.

Boyd B. Ferris
2733 West Dublin Granville Road
Columbus, Ohio 43235

BROOKS FIBER

Sally W. Bloomfield
Bricker & Eckler
100 South Third Street
Columbus, Ohio 43215-4291

TELEPORT COMMUNICATIONS GROUP

Bruce J. Weston
169 West Hubbard Avenue
Columbus, Ohio 43215-1439

AMERITECH

Michael T. Mulcahy
Ameritech - Legal Department
45 Erieview Plaze, Room 1441
Cleveland, Ohio 44114

MCImetro ACCESS TRANSMISSION SERVICES,
INC.

Judith B. Sanders
Bell, Royer, & Sanders Co. LPA
33 S. Grant Avenue
Columbus, Ohio 43215

TIME WARNER COMMUNICATIONS

Marsha R. Schermer
65 E. State Street, Suite 1800
Columbus, Ohio 43216

TELEPORT COMMUNICATIONS GROUP

Douglas W. Trabaris
Teleport Communications Group
233 South Wacker Drive, #2100
Chicago, Illinois 60606