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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
AT&T Communications of Ohio, Inc. for)
a Waiver of the Requirement that its)
Competitive Telecommunications)
Service Filing be Governed by the)
Local Service Guidelines.)

Case No. 98-840-TP-WVR

MEMORANDUM IN OPPOSITION
TO APPLICATION FOR WAIVER

INTRODUCTION

AT&T's Shared Customer Provided Access Service (SCPA) establishes the terms and conditions under which carriers may collocate and inter-connect their dedicated access facilities to AT&T's network. SCPA by definition is not a competitive service and it should be subject to the Commission's Local Service Guidelines' 30-day prefiling and approval processes. Local Service Guidelines, Section VI(C) and (E). Accordingly, as to SCPA Service, AT&T's Application For Waiver should be denied.

DISCUSSION

AT&T Communications of Ohio, Inc. ("AT&T") has requested that the Commission grant it a waiver from the requirements of the Local Service Guidelines that require, for NECs such as AT&T, a 30-day prefiling for new service offering applications, and a 30-day

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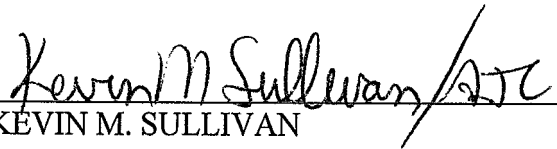
automatic approval process for requests for changes to their existing services (Local Service Guidelines, VI(C) and (E)). Application For Waiver at 1. While generally limiting its waiver request to competitive telecommunications services provided pursuant to certain sections of its Tariff, AT&T also requests in Footnote 2, that "AT&T would expect that its Shared Customer Provided Access Tariff (Section 9) would also be included as part of this waiver." In support of its request, AT&T argues that such a waiver is consistent with the Commission's goals of preventing carriers from using power in one market to gain an unfair advantage in another. Id. at 3. As to SCPA, this argument is inapposite and any such waiver would violate and contradict that Commission goal.

As noted above, SCPA establishes the price and other terms and conditions for dedicated access collocation and interconnection at AT&T's POPs. Since it is the LEC customer who chooses the POP at which its dedicated traffic will be terminated, the LEC has no alternative collocation and interconnection point. Accordingly, as to that dedicated access traffic and customer, the owner of the POP (in this case AT&T) has a monopoly and the LEC must pay whatever price the POP owner demands. In such cases, it is critically important that the Commission have the opportunity to review proposed price changes, particularly where the POP owner competes with the LEC in the special access market.¹ Without that review, AT&T will be able to use its monopoly control over the access to its POPs in order to advantage it unfairly in the competitive dedicated access market. For example, if AT&T and Ameritech were competing

¹ The need for such review is evidenced by AT&T's current SCPA Tariff filed with the Commission on April 22, 1998 (PUCO Case Nos. 98-654-CT-UNC and 90-5105-CY-TRF). In that proposed tariff, AT&T is seeking to raise the price for this monopoly service by some 550% over its existing cost plus profit prices. If AT&T intends this waiver to apply to its current SCPA filing, such waiver would be inconsistent with its settlement agreement with Ameritech in which AT&T agreed not to oppose a motion to suspend such tariff. Regardless, because AT&T has not filed its SCPA tariff in accordance with the procedures set forth in the Local Service Guidelines, that tariff has not become effective and remains subject to Commission review.

to provide dedicated access from a customer location, say Nationwide Insurance Company on High Street in Columbus, to an AT&T POP, say at 111 North Fourth Street in Columbus, and if AT&T was able to change its SCPA price on zero day notice, AT&T could quickly foreclose Ameritech from any opportunity to compete for Nationwide's special access business. It would do so simply by increasing - on zero day notice - its SCPA price. Such leveraging of its monopoly position in one market (collocation and interconnection at AT&T's POPs) into the competitive, dedicated access market is both unfair and unreasonable. The Commission should examine, provide an opportunity for, and receive interested party comments before any SCPA price or other SCPA terms and conditions are put into effect.

Respectfully submitted
by Ameritech Ohio,


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CERTIFICATE OF SERVICE

A copy of the foregoing Ameritech Ohio's Memorandum in Opposition was served this 11th day of June, 1998, by sending a copy thereof by regular U.S. Mail, postage prepaid, to David Chorzempa, AT&T Communications of Ohio, Inc., 227 West Monroe Street, Chicago, Illinois 60606, and to Benita A. Kahn, Vorys, Sater, Seymour and Pease, 52 East Gay Street, P. O. Box 1008, Columbus, Ohio, 43216-1008, attorneys for AT&T Communications of Ohio, Inc.



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