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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.

In the Matter of the Complaint of the  
Office of the Consumers' Counsel,

Complainant,

v.

The Ohio Bell Telephone Company,

Respondent.

RECEIVED  
Case No. 93-47-TP-ALT  
MAY 16 1996  
DOCKETING DIVISION  
Public Utilities Commission of Ohio

Case No. 93-576-TP-CSS

RECEIVED  
MAY 16 1996  
TARIFF DIVISION  
Public Utilities Commission of Ohio

Case No. 96-227-TP-ATA  
Case No. 96-335-TP-ATA  
Case No. 96-364-TP-ATA  
Case No. 96-389-TP-AEC  
Case No. 96-390-TP-AEC  
Case No. 96-403-TP-AEC  
Case No. 96-411-TP-ATA

AMERITECH OHIO'S REPLY TO AT&T'S AND TIME WARNER'S  
MEMORANDA CONTRA MOTION FOR PROTECTIVE ORDER AND  
AT&T'S SUPPLEMENTAL OBJECTIONS

Ameritech Ohio hereby responds to the Supplemental  
Objections, Request for Clarification and Memorandum Contra filed  
May 10, 1996, by AT&T Communications of Ohio, Inc. ("AT&T") in  
the above captioned cases.<sup>1</sup> In addition, a response is also  
being provided to AT&T's and Time Warner AxS' ("Time Warner")

<sup>1</sup> It should be noted that the application in Case No. 96-411-  
TP-ATA was approved by the Commission's Entry dated May 15, 1996.

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memoranda contra Ameritech Ohio's Motion for Protective Order filed the same date.

AT&T's filing objecting to various contract filings and tariff amendments is motivated by a clear intent to prevent Ameritech Ohio from competing for customers' business or to meet customer needs. AT&T does not try to disguise its anti-competitive goal of halting or delaying Ameritech Ohio's ability to enter into contracts with customers and to make tariff changes. In fact, AT&T's objections do not raise even one substantive issue with respect to any of the various contract or tariff filings.

Although the Court has remanded Ameritech Ohio's alternative regulation plan for further proceedings, that remand does not affect Ameritech Ohio's ability to enter into contracts with customers under either Ohio Rev. Code Section 4905.31 or pursuant to the Commission's 944/1144 orders.<sup>2</sup> Similarly, Ameritech has every legal right to file for Commission approval of new services and tariff changes. The Commission has recently acknowledged that Ameritech Ohio may continue to file contracts

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<sup>2</sup> Contrary to AT&T's apparent belief, the authority granted by Ohio Rev. Code Section 4905.31 is not limited to competitive services and does not require any competitive showing by Ameritech Ohio.

and tariff filings for Commission approval.<sup>3</sup> Moreover, the Commission has the ability to determine the time frames and administrative procedures that it will use in evaluating Ameritech Ohio's filings. That is exactly what the Commission has done.

Delay as sought by AT&T in reviewing and approving the filings will result in harm to both customers and Ameritech Ohio's ability to meet customers' needs and to compete - a request that is not surprising since AT&T stands to benefit, albeit at customer expense, from lengthy or stalled approval procedures. Ameritech Ohio has fully supported all of the filings objected to by AT&T including the necessary cost information. The Commission should promptly issue orders approving those filings.

AT&T and Time Warner both object to the motions for protective orders filed by Ameritech Ohio pursuant to the new Commission rule, Ohio Admin. Code Section 4901-1-24(D). Ameritech Ohio followed the Commission rules and procedures in seeking protective status for sensitive information contained in the filings. The restrictive requirements that AT&T would engraft onto the Commission's new rule are not appropriate and

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<sup>3</sup> The applications in Case Nos. 96-308-TP-AEC and 96-309-TP-AEC were approved by the Commission's Entries dated May 2, 1996, and the application in Case No. 96-411-TP-ATA was approved by the Commission's Entry dated May 15, 1996.

should have been raised in the context of the Commission's recent proceeding to modify its rules. AT&T also conveniently seeks to ignore the numerous decisions by the Commission protecting similar information to that covered by Ameritech Ohio's motions. In fact, AT&T has participated in a number of such cases.<sup>4</sup>

The information for which protection is sought represents pricing and customer specific information which, if publicly disclosed, would result in competitive harm to Ameritech Ohio. Because it is trade secret information, the Commission has an obligation to protect such information from disclosure. Nothing in the Telecommunications Act of 1996 or the Ohio Revised Code supports Commission disclosure of the information. The general references by Time Warner and AT&T to the spirit and policy of the Telecommunications Act of 1996 and Ohio Rev. Code Section 4927.02 cannot override the specific language of Ohio's Trade Secret law.

AT&T and other competitors do not disclose such information in the minimal information they file with the Commission for similar contracts and filings. This information has routinely been subject to protection by Ameritech Ohio in the normal course of business. It is interesting that AT&T now claims that no showing has been made as to whether Ameritech Ohio

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<sup>4</sup> See, e.g., Case Nos. 93-487-TP-ALT, 95-230-TP-ATA, and 95-966-TP-AEC.

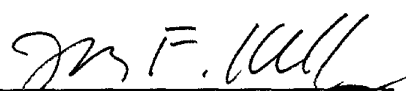
has maintained the secrecy of this type of data when AT&T has been required to enter into protective agreements with Ameritech Ohio to review limited portions of this type of data. In some cases Ameritech Ohio has refused to provide this type of information to AT&T and others even under strict protective agreements.<sup>5</sup> For AT&T to now question whether this type of information is considered and treated as trade secret information by Ameritech is truly disingenuous.

Ameritech Ohio requests that the general procedural objections filed by AT&T to the above captioned contract and tariff filings be denied and that the Commission promptly approve those filings. Ameritech Ohio also requests that its motions for protective orders be granted.

Respectfully submitted,

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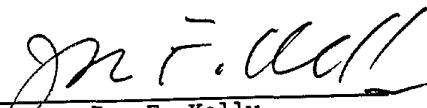
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<sup>5</sup> See, e.g., Case No. 95-966-TP-AEC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon counsel for the parties as shown on the attached service list, by prepaid first class U. S. mail, this 16th day of May, 1996.

  
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