

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission Investigation into the Disconnection of Local Telephone Service for the Nonpayment of Charges Associated with Telephone Services Other Than Local Telephone Service.)
)
) Case No. 95-790-TP-COI
)

In the Matter of the Application of The Champaign Telephone Company for a Temporary Waiver of Compliance with the Disconnection Policy as Set Forth Within the Commission's June 12, 1996 Finding and Order in Case No, 95-790-TP-COI.)
)
) Case No. 96-932-TP-UNC
)

ENTRY

The Commission finds:

- (1) On September 4, 1996, The Champaign Telephone Company (Champaign) filed an application for waiver in Case No. 96-932-TP-UNC (the 932 case), by which it has sought temporary, partial waiver of compliance with an order issued on June 12, 1996 in the Commission's pending disconnection docket, namely 95-790-TP-COI (the 790 docket).
- (2) By letter dated September 13, 1996, counsel for Champaign filed a letter requesting that its waiver application in the 932 case should be considered as refiled within the 790 docket.
- (3) On October 16, 1996, the Commission issued an entry on rehearing in the 790 docket which, among other things, found that "all waiver requests" which had, by then, been filed in the 790 docket, should be dismissed since they were rendered moot by actions taken by the Commission in its October 16, 1996 entry on rehearing. Through inadvertence, Champaign's waiver request was omitted from the listing of the waiver requests which were then under consideration, as set forth in a footnote on page 24 of the entry on rehearing. This inadvertent omission should now be corrected. Once this correction is made, the 932 case is also rendered moot and should now be dismissed.
- (4) Again through inadvertent omission, the October 16, 1996 entry on rehearing failed to include an ordering paragraph by

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which all of the then-pending waiver requests were dismissed as moot. This omission should now be corrected.

- (5) At page 20 of the October 16, 1996 entry on rehearing in the 790 docket, the Commission stated that:

[U]pon the effective date of our new disconnection policy, no longer will any distinction be made, within either our new disconnection policy or within the MTSS rules, between those toll service providers who do and those who do not utilize local service providers as their billing and collection agents.

In both the last sentence of Finding (23) and the second ordering paragraph of the October 16, 1996 entry on rehearing, the Commission has intended to identify those provisions of the MTSS rules which will be temporarily suspended for the purpose of eliminating from our MTSS rules this distinction between toll service providers. Through inadvertent omission, the Commission failed to identify the parenthetical phrase found at the end of the second sentence¹ of Rule 4901:1-5-27(A), Ohio Administrative Code (O.A.C.), as among the MTSS provisions which will be temporarily suspended for this purpose. This omission should now be corrected.

It is therefore,

ORDERED, That, in accordance with the above findings, Page 26 of the Commission's October 16, 1996 entry on rehearing in the 790 docket is amended *nunc pro tunc* so as to include the following two additional ordering paragraphs, as follows:

ORDERED, That the waiver request filed by The Champaign Telephone Company in Case No. 96-932-TP-UNC as well as all the waiver requests filed by various entities within the 790 docket during the period from September 4, 1996 and October 16, 1996 are hereby dismissed as moot. It is, further,

¹ Stated in its entirety, Rule 4901:1-5-27(A), O.A.C., provides: "Commission rules governing establishment and, reestablishment of credit, deposits (amount, receipt, interest), guarantors, refund of deposits, record of deposits, and applicant or subscriber appeals are set forth in Chapter 4901:1-17 of the Administrative Code, which is applicable to residential utility service. This rule is an update and supplement to Chapter 4901:1-17 of the Administrative Code, as it applies to guarantee agreements for regulated residential local service offerings and regulated interexchange carrier charges (where the local exchange company is the principal billing and collection agent for the interexchange carrier). Nothing in this rule shall be construed as countermanding or nullifying Chapter 4901:1-17 of the Administrative Code".

ORDERED, That Case No. 96-932-TP-UNC be dismissed and closed of record. It is, further,

It is, further,

ORDERED, That in accordance with Finding (5), above, the last sentence of Finding (23) of the October 16, 1996 entry on rehearing in the 790 docket is amended *nunc pro tunc* so as to read:

Specifically, the provisions to be temporarily suspended are the second sentence of Rule 4901:1-5-25(A), O.A.C., the third sentence of Rule 4901:1-5-25(J), O.A.C., the last sentence of Rule 4901:1-5-26(E), O.A.C., and the parenthetical phrase found at the end of the second sentence of Rule 4901:1-5-27(A), O.A.C.

It is, further,

ORDERED, That in accordance with Finding (5), above, the first sentence of the second ordering paragraph of the October 16, 1996 entry on rehearing in the 790 docket is amended *nunc pro tunc* so as to read:

ORDERED, That, in accordance with the above findings, the second sentence of Rule 4901:1-5-25(A), O.A.C., the third sentence of Rule 4901:1-5-25(J), O.A.C., the last sentence of Rule 4901:1-5-26(E), O.A.C., and the parenthetical phrase found at the end of the second sentence of Rule 4901:1-5-27(A), O.A.C., are among the existing MTSS provisions which shall be temporarily suspended on the effective date of the Commission's new disconnection policy.

It is, further,

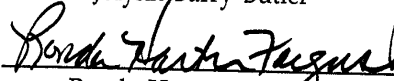
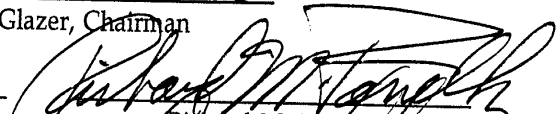
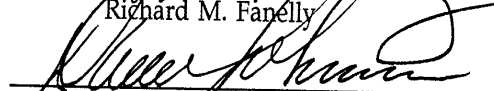
ORDERED, That a copy of this entry *nunc pro tunc* be served upon Champaign, its counsel, and upon all parties of record in Case Nos. 95-790-TP-COI and 96-932-TP-UNC.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Craig A. Glazer, Chairman

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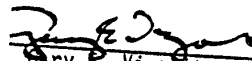

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OCT 31 1996

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Gary E. Vigorito
Secretary