

File

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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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DOCKETING DIVISION
Public Utilities Commission of Ohio

In the Matter of the Complaint of Time)
Warner AxS of Ohio, L.P. and Time)
Warner Communications of Ohio, L.P.,)
Complainants,)
v.)
Ameritech Ohio,)
Respondent.)
Relative to Alleged Unjust and)
Unreasonable Rates and Charges.)

Case No. 96-66-TP-CSS

AMERITECH OHIO REPLY MEMORANDUM

Ameritech Ohio submits this Reply Memorandum to the Memorandum Contra Motion to Strike filed by Time Warner in the above captioned case. Time Warner's Memorandum Contra fails to reconcile the clear directive in the Commission's Entry of January 24, 1996 to file an "issues list" with the "Statement" filed by Time Warner.

Time Warner argues that its "Statement" was designed to provide "background" for interested parties to better understand the purpose and significance of interconnection arrangements. However, the Commission's Entry did not request that "background" information be filed. Instead, the Commission directed that the parties file "an issues list, indicating the priority of, along

with a brief description of the issues in dispute."¹ Attachment B to Time Warner's Statement entitled "Major Issues List" clearly responds to the Commission's directive. One needs only to look at the number and scope of the pleadings Time Warner has recently filed against Ameritech Ohio relating to the negotiations to understand the contrived nature of its justification. In addition to its 10 page "Statement", Time Warner has, just within the last month, filed a

- 50 page Motion to Suspend with attachments
- 23 page Motion for Clarification with attachments
- 12 page Application for Rehearing
- 5 page Complaint.

In addition, Time Warner has issued numerous press releases in the last few months. There can be no doubt that Time Warner took inappropriate advantage of a clear Commission directive in order to continue its publicity campaign.² The Commission should maintain the integrity of its procedural rules and should strike Time Warner's "Statement".

¹ January 24, 1996 Entry, p. 3.

² The fact that Time Warner faxed its Statement to Ameritech Ohio beginning at 3:48 P.M. on the day it was due (after Ameritech had sent its issues list to the Commission) does not alter the inappropriate nature of the pleading.

Time Warner's arguments concerning arrangements established in other states is inaccurate and reveals how it selectively picks and chooses desirable rates and arrangements from other states. For example, although Time Warner cites the number portability rate in Michigan it fails to mention the mutual compensation structure established in Michigan. Ameritech Ohio will not publicly respond further (as required by the non-disclosure agreement between the parties) to the statements made by Time Warner concerning the negotiations. The appropriate place for any further discussion concerning terms and conditions is at the negotiating table.

Ameritech Ohio requests that the Commission grant its Motion to Strike.

Respectfully submitted,

AMERITECH OHIO

By:

Michael T. Mulcahy / JFFC

Michael T. Mulcahy
45 Erieview Plaza, Suite 1400
Cleveland, Ohio 44114
(216) 822-3437

Its Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Ameritech Ohio Reply Memorandum was served upon Samuel C. Randazzo, Esq., Emens, Kegler, Brown, Hill & Ritter, 65 E. State Street, Suite 1800, Columbus, Ohio 43215-4294, Counsel for Complainants, and Duane Luckey, Esq., Senior Assistant Attorney General, Chief-Public Utilities Section, 180 East Broad Street, Columbus, Ohio 43266-0573, by regular U.S. mail, postage prepaid, this 20th day of February, 1996.

Michael T. Mulcahy *ITK*

Michael T. Mulcahy
