

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of )  
Betty Miller and Numerous Other )  
Subscribers of the New Burlington )  
Exchange of Verizon North Inc., )  
Complainants, )  
v. ) Case No. 01-2565-TP-PEX  
Verizon North Inc., Ameritech Ohio and )  
United Telephone Company of Ohio d.b.a. )  
Sprint, )  
Respondents. )

SUPPLEMENTAL OPINION AND ORDER

The Commission, considering the opinion and order issued October 31, 2002, and the canvass results filed by the complainants on December 9, 2002, issues this supplemental opinion and order.

APPEARANCES:

Betty Miller, 2968 Cemetery Road, Xenia, Ohio 45385, on behalf of the New Burlington Exchange subscribers.

William H. Keating, 5994 Whitecraigs Court, Dublin, Ohio 43017, on behalf of Verizon North Inc.

Joseph R. Stewart, 50 West Broad Street, Suite 3600, Columbus, Ohio 43215, on behalf of United Telephone Company of Ohio dba Sprint.

Jon Kelly, 150 E. Gay Street, Columbus, Ohio 43215, on behalf of Ameritech Ohio.

OPINION:

On October 31, 2002, the Commission issued its opinion and order (order) in this case which granted one-way, measured-rate extended area service (EAS) from the New Burlington Exchange to the Waynesville Exchange and two-way, flat-rate EAS between the New Burlington and Dayton exchanges. The Commission's order for the institution of flat-rate EAS between the New Burlington and Dayton exchanges was contingent upon the conduct and filing of a canvass of the New Burlington Exchange subscribers which would show that a substantial majority of subscribers is willing to pay appropriate rates for the ordered service.

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The October 31, 2002 order set forth the increased rates that Verizon North Inc. (Verizon) would be allowed to charge New Burlington Exchange subscribers upon implementing EAS. Attached to the order was a ballot form, stating the increased rates, to be used by the complainants in canvassing the New Burlington Exchange. The order directed Verizon to facilitate the canvass by supplying the spokesperson for the complainants with a list of the names and addresses of all New Burlington Exchange subscribers. The order also afforded Verizon an opportunity to review and file a statement regarding the canvass results within 15 days of the date from which the complainants filed the ballots and their statement of canvass results. The canvass results were due on or before January 9, 2003. The complainants filed the returned ballots and a statement of canvass results on December 9, 2002. The complainants concluded that 450 New Burlington subscribers voted in favor of flat-rate EAS and 33 voted against the service. Verizon filed a response to the canvass on December 12, 2002. Verizon's calculation of the canvass results concluded that of the 483 total access lines, 449 votes were returned in favor of the service, 20 votes were invalid and 14 votes were returned against the service. Verizon concluded that the complainants have shown that 93 percent of the New Burlington Exchange subscribers wish to have and are willing to pay the increased rates for flat-rate EAS to the Dayton Exchange. Further, Verizon stated that it does not wish to have a hearing on the EAS canvass results.

The Commission finds that the percentage of votes in favor of flat-rate EAS is sufficiently high to demonstrate that a substantial majority of subscribers is willing to pay the increase in rates associated with the implementation of two-way, flat-rate EAS between the New Burlington and Dayton exchanges.

Accordingly, Verizon and Ameritech shall provide information, through press releases, to customers and to the media prior to the in-service date, which describes the new EAS service, explains the new dialing procedures, states the date and time that the service will become available, and explains the rates for the service. Verizon and Ameritech shall coordinate proposed press releases and submit the proposed press releases to the Commission's Communications Management Department prior to publication.

The remaining issue is the time period within which the flat-rate EAS will be implemented. Pursuant to the Stipulation filed by the parties and adopted by the Commission on October 31, 2002, Verizon and Ameritech agreed the ordered EAS service can be implemented within six months after the Commission issues its decision. Thus, Verizon and Ameritech shall institute two-way, flat-rate EAS between the New Burlington Exchange and the Dayton Exchange, as soon as possible and no later than six months from the date of this supplemental opinion and order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) By order issued October 31, 2002, the Commission granted, among other things, the complainants' request for two-way, flat-rate EAS between the New Burlington Exchange and the Dayton Exchange, contingent upon the completion of a canvass showing that a substantial majority of New Burlington

Exchange subscribers is willing to pay the appropriate rates for the service.

- (2) The complainants' timely submitted canvass results on December 9, 2002. Verizon filed its response to the canvass results on December 12, 2002.
- (3) The complainants concluded that 450 New Burlington Exchange subscribers voted in favor of flat-rate EAS and 33 New Burlington Exchange subscribers voted against the service.
- (4) Verizon, in its review of the ballots, concluded that 449 New Burlington subscribers voted in favor of flat-rate EAS and 34 New Burlington subscribers voted against the service. Further, Verizon calculates that 93 percent of New Burlington Exchange subscribers are willing to pay increased rates for EAS.
- (5) The canvass results demonstrate that a substantial majority of New Burlington subscribers is willing to pay the necessary rate increase associated with the institution of two-way, flat-rate EAS between the New Burlington and Dayton exchanges.
- (6) Flat-rate EAS between the New Burlington and Dayton exchanges shall be instituted as soon as practicable but not later than six months from the date of this supplemental opinion and order.

ORDER:

It is, therefore,

ORDERED, That two-way, flat-rate EAS be instituted between the New Burlington Exchange and Dayton Exchange within six months of this supplemental opinion and order. It is, further,

ORDERED, That Verizon and Ameritech establish an in-service date within 60 days of this supplemental opinion and order, inform the Commission and the spokesperson of the date, and advise the Commission and the spokesperson not later than 30 days prior to the in-service date in the event the date cannot be met. It is, further,

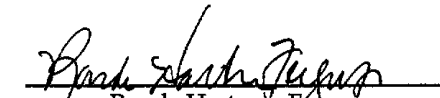
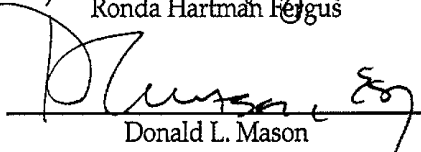
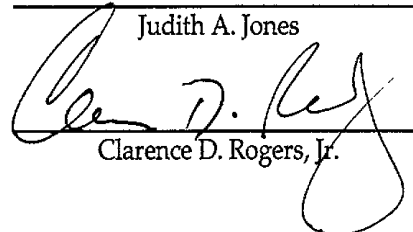
ORDERED, That prior to the in-service date of the EAS, Verizon and Ameritech shall provide information, through press releases, to customers and to the media which describes the new EAS service, explains the new dialing procedures, states the date and time that the service will become available, and explains the rates for the service. It is, further,

ORDERED, That Verizon and Ameritech coordinate proposed press releases and submit the proposed press releases to the Commission's Communications Management Department prior to publication and prior to the in-service date. It is, further,

ORDERED, That Verizon and Ameritech are authorized to file three copies of revised tariff sheets reflecting the establishment of two-way, flat-rate EAS. Each respondent should file its tariff sheets under one cover letter which references both this matter, Case No. 01-2565-TP-PEX, and the company's "TRF" case number. These tariff sheets shall be effective upon the institution of the service. It is, further,

ORDERED, That copies of this supplemental opinion and order be served upon the spokesperson for the complainants, Verizon and its counsel, Ameritech and its counsel and all other interested persons of record.

## THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Alan R. Schriber, Chairman  
Ronda Hartman Fergus  
Donald L. Mason  
Judith A. Jones  
Clarence D. Rogers, Jr.

GNS/vrm

Entered in the Journal

JAN 9 2003Gary E. Vigorito  
Secretary

**CASE NUMBER:** 01-2565-TP-PEX  
**CASE DESCRIPTION:** BETTY MILLER vs VERIZON NORTH  
**DOCUMENT SIGNED ON:** 1/9/2003  
**DATE OF SERVICE:** 1/9/03

**PARTIES SERVED**

**PARTIES OF RECORD**

**ATTORNEYS**

**COMPLAINANTS**

BETTY MILLER  
2968 CEMETERY ROAD  
XENIA, OH 45385-9711

NONE,

**RESPONDENTS**

MCI WORLDCOM COMMUNICATIONS, INC.  
JOAN MCCORMACK STOUT, REGULATORY  
201 SPEAR STREET  
9TH FLOOR  
SAN FRANCISCO, CA 94105  
Phone: (415) 228-1133

JUDITH B. SANDERS  
BELL, ROYER & SANDERS CO., L.P.A.  
33 SOUTH GRANT AVENUE  
COLUMBUS, OH 43215-3927

SBC AMERITECH OHIO  
JON F. KELLY  
150 E. GAY STREET  
ROOM 4-C  
COLUMBUS, OH 43215

FENLON, MARY RYAN  
SBC AMERITECH OHIO  
150 EAST GAY STREET  
ROOM 4C  
COLUMBUS, OH 43215  
Phone: (614) 224-7072

KELLY, JON F.  
LEGAL DEPARTMENT  
AMERITECH OHIO  
150 E. GAY STREET, ROOM 4-C

COLUMBUS, OH 43215  
Phone: (614) 223-7928

SPRINT COMMUNICATIONS COMPANY L.P.  
LEN J. LAUER, PRESIDENT  
6391 SPRINT PARKWAY  
OVERLAND PARK, KS 66251-6100

STEWART, JOSEPH R.  
SPRINT  
50 WEST BROAD STREET  
SUITE 3600  
COLUMBUS, OH 43215

UNITED TELEPHONE CO. OF OHIO DBA  
SPRINT  
JOSEPH R. STEWART  
50 W. BROAD STREET  
SUITE 3600  
COLUMBUS, OH 43215

STEWART, JOSEPH R.  
SPRINT  
50 WEST BROAD STREET  
SUITE 3600  
COLUMBUS, OH 43215

VERIZON NORTH INC.  
PATRICIA COOK, REGULATORY AFFAIRS  
100 EXECUTIVE DR.  
MARION, OH 43302

COLE, CASSANDRA REGULATORY  
AFFAIRS  
VERIZON NORTH, INC.  
100 EXECUTIVE DRIVE  
MARION, OH 43302

COOK, PATRICIA  
VERIZON NORTH  
NORTHEAST REGION  
100 EXECUTIVE DRIVE  
MARION, OH 43302

KEATING, WILLIAM H.  
ATTORNEY AT LAW  
5994 WHITECRAIGS CT.  
DUBLIN, OH 43017