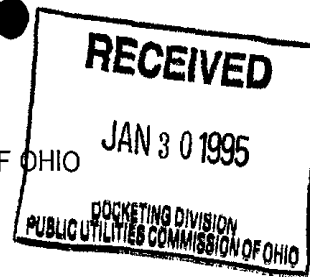


BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO



In the Matter of the Application of )  
Time Warner Communications of Ohio, L.P. )  
and Time Warner AxS for a Certificate )  
of Public Convenience and Necessity to )  
Provide Direct and Resold Exchange )  
Services, Including Local Exchange )  
and Dialtone Services. )

Case No. 94-1695-TP-ACE

In the Matter of the Petition of )  
Time Warner Communications of Ohio, L.P. )  
For the Commission To Open An )  
Investigation Into Issues Surrounding )  
a Competitive Marketplace. )

Case No. 94-1696-TP-UNC

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**THE CHILLICOTHE TELEPHONE COMPANY'S  
MOTION TO INTERVENE AND  
MEMORANDUM IN SUPPORT**

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The Chillicothe Telephone Company ("CTC"), pursuant to Revised Code Section 4903.221 and O.A.C. Section 4901-1-11, moves the Commission to grant it intervention in both of the above captioned proceedings and further requests that a hearing be held in Case No. 94-1695-TP-ACE pursuant to Revised Code Section 4905.24.<sup>1</sup>

As a local exchange carrier, CTC will clearly be impacted by the resolution of major policy issues involving, *inter alia*, exclusive franchises, competition in switched

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<sup>1</sup>A number of deficiencies in Time Warner's application have been cited in the pleadings filed by other local exchange carriers (e.g., Ameritech, Motion to Intervene, November 14, 1994; Western Reserve and ALLTEL, Motion to Intervene, December 6, 1994) who have sought intervention and we will not retread that ground here. Suffice it to say that the very issue of whether the matters discussed in those pleadings are in fact deficiencies in a certification application is itself a fundamental question which transcends this single certification application and which is appropriate for hearing.

local access and other matters raised in the applications and, accordingly, seeks to participate in proceedings -- as it appears these are -- where such issues will be litigated before and decided by the Commission.<sup>2</sup> No other party represents CTC's interests in these proceedings and CTC's substantial experience as a result its providing communications services to its Ohio customers together with its technical and regulatory knowledge will assist the Commission in the resolution of these issues. No undue delay or unjust prejudice to any party will result from granting the intervention sought.

With respect to Case No. 94-1695-TP-ACE, CTC acknowledges that the counties identified in the application for which Time Warner currently seeks certification are not counties in which CTC provides service. This case, however, represents the first application by a competitive provider for certification to provide switched local access service in a territory already served by a local exchange carrier. From the number of movants for intervention already, who show a considerable diversity of interests, it is apparent that those participants anticipate that the resolution of those issues may be made here. Surely it would be unrealistic to expect that any major policy determinations which ultimately are made in this case of first impression will not be made applicable to

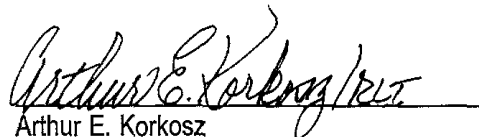
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<sup>2</sup>We recognize the Commission indicated in its November 23, 1994 Finding and Order in Case No. 93-487-TP-ALT that it intended to institute a generic proceeding to address various aspects of competition. No such proceeding, however, has yet been initiated nor have the parameters of the issues to be considered in such proceeding been precisely defined. In the absence of such an investigation or any assurance that it will be of plenary scope, CTC is compelled to seek intervention here in order to preserve its opportunity to participate in any proceedings where it appears major policy determinations may be made.

subsequent applications made by this or other applicants seeking certification to provide local exchange service in CTC's existing service territory.<sup>3</sup>

As the Commission has not acted on the request for investigation made in Case No. 94-1696-TP-UNC, it is unclear what matters, if any, may ultimately be addressed in that docket. If, however, the Commission does in fact grant, in whole or in part, the request in that docket to address the competitive issues suggested, CTC seeks the opportunity to participate in that docket and in any investigation or proceedings flowing therefrom. To preserve its right to do so, CTC seeks intervention in that docket as well.

Respectfully submitted,



Arthur E. Korkosz  
SQUIRE, SANDERS & DEMPSEY  
4900 Society Center  
127 Public Square  
Cleveland, OH 44113-1304

Attorney for  
The Chillicothe Telephone Company

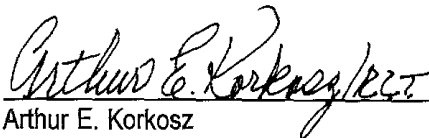
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<sup>3</sup>We note, for example, the observation of Cablevision Lightpath-Ohio in its Motion to Intervene that "there can be no serious argument that this case will not establish procedural precedent which those applications following after Time Warner's will be compelled to follow." (Motion and Memorandum, p. 3)

It is this characteristic, of course, which distinguishes our request for intervention here from those Commission decisions in which intervention was denied one group of customers in a case setting the rates for service for a different set of customers with its own unique cost characteristics. *E.g.*, *Columbia Gas of Ohio*, Case No. 94-987-GA-AIR, Finding and Order, August 4, 1994. The present inquiry involving broad policy questions associated with emerging competition in the provision of communications services cuts across divisions of customer groups and individual company service territories.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing The Chillicothe Telephone Company's Motion to Intervene and Memorandum in Support has been served upon the following parties by hand-delivery or ordinary United States mail, first class, postage prepaid, this 30<sup>th</sup> day of January, 1995.

  
Arthur E. Korkosz

James B. Gainer, Esq.  
Chief, Public Utilities Section  
Public Utilities Commission  
of Ohio  
180 East Broad Street  
Columbus, OH 43266-0573

Michael T. Mulcahy, Esq.  
Michael J. Karson, Esq.  
Ameritech Ohio  
45 Erieview Plaza  
Suite 1400  
Cleveland, OH 44114

Robert S. Tongren, Esq.,  
Consumers' Counsel  
Andrea Kelsey, Esq.  
David C. Bergmann, Esq.  
Office of Consumers' Counsel  
77 S. High Street, 15th Floor  
Columbus, OH 43266-0550

Joseph R. Stewart, Esq.  
GTE North Incorporated  
100 Executive Drive  
Marion, OH 43302

Samuel C. Randazzo, Esq.  
Denise C. Clayton, Esq.  
Richard P. Rosenberry, Esq.  
Emens, Kegler, Brown,  
Hill & Ritter  
65 E. State Street  
Suite 1800  
Columbus, OH 43215

Robert W. Quinn, Jr.  
AT&T Communications of Ohio, Inc.  
227 W. Monroe Street, 6th Floor  
Chicago, IL 60606

Thomas E. Lodge, Esq.  
Western Reserve Telephone Co.  
ALLTEL Ohio, Inc.  
Thompson, Hine & Flory  
10 W. Broad Street  
Columbus, OH 43215-3435

Stephen B. Rowell, Esq.  
ALLTEL Corporate Services, Inc.  
One Allied Drive  
Little Rock, AR 72202

Boyd B. Ferris, Esq.  
Muldoon & Ferris  
2733 W. Dublin-Granville Road  
Columbus, OH 43235

Sally W. Bloomfield, Esq.  
Cablevision Lightpath Ohio, Inc.  
Bricker & Eckler  
100 South Third Street  
Columbus, OH 43215-4291

Wayne Walston, Esq.  
United Telephone Company  
665 Lexington Avenue  
Mansfield, OH 44907

Mark Longenecker, Esq.  
Cincinnati Bell Telephone Co.  
Frost & Jacobs  
2500 Central Trust Center  
201 East Fifth Street  
Cincinnati, OH 43202

J. Raymond Prohaska, Esq.  
Ohio Telephone Association  
Schneider, Prohaska & Sams  
17 South High Street  
Suite 850  
Columbus, OH 43215

Michael D. Dortch, Esq.  
J. Stephen Van Heyde, Esq.  
Fonetnet/Ohio, Inc.  
Baker & Hostetler  
65 East State Street  
Suite 2100  
Columbus, OH 43215

Ronald W. Gavillet  
Executive Vice President and  
General Counsel  
Fonetnet/Ohio, Inc.  
U.S. Network Corp.  
10 South Riverside Plaza  
Suite 316  
Chicago, IL 60606

Marsha R. Schermer, Esq.  
Vice President  
Regulatory Affairs  
Midwest Region  
Time Warner Communications  
1266 Dublin Road  
P.O. Box 2553  
Columbus, OH 43216

John F. Kelly, Esq.  
Legal Department  
Ameritech, Ohio  
150 E. Gay Street  
Room 195  
Columbus, OH 43215

Stephen M. Howard, Esq.  
Ohio Cable Television Association  
Vorys, Sater, Seymour & Pease  
52 E. Gay Street  
Columbus, OH 43215

Richard Ganulin  
Assistant City Solicitor  
City of Cincinnati  
City Hall, Room 214  
801 Plum Street  
Cincinnati, OH 45202

Ken Rowan  
Fibernet  
1500 Chiquita Center  
2500 E. 5th Street  
Cincinnati, OH 45202