

file

(P)

7

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of Philip L. Dombey and Numerous other Subscribers of the Haskins-Tontogany Exchange of GTE North Incorporated,

Complainants,

v.

Case No. 99-1147 -TP-PEX

GTE North Incorporated, United Telephone Company, and Ameritech Ohio

Respondents,

Relative to a Request for Two-Way, Non-optional Extended Area Service Between the Haskins-Tontogany Exchange of GTE North Incorporated, on the One Hand, and the Toledo, Maumee, Perrysburg and Whitehouse Exchanges of Ameritech Ohio, the Weston Exchange of GTE North Incorporated, and the Waterville Exchange of United Telephone Company, on the Other Hand.

RECEIVED BOOKING DIV  
60 JUN 28 AM 11:43  
PUCO

STIPULATION, AGREEMENT AND RECOMMENDATION

THIS STIPULATION, AGREEMENT AND RECOMMENDATION is entered into by and between the Complainants in this proceeding ("Complainants") and GTE North Incorporated ("GTE"), Ameritech Ohio ("Ameritech") and United Telephone Company of Ohio d/b/a Sprint ("Sprint"), Respondents herein. The purpose of this Stipulation, Agreement and Recommendation is to resolve the issues of community of interest involved in these proceedings, thereby avoiding the need for a public hearing and

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business. Technician Anna M. King Date Processed Jun 29, 2000

to recommend to the Public Utilities Commission of Ohio ("the Commission") that it issue an order directing GTE and Ameritech to institute measured Extended Area Service between GTE's Haskins-Tontogany Exchange and Ameritech's Perrysburg Exchange and that it review the existing Extended Area Service between GTE's Haskins-Tontogany Exchange and Ameritech's Toledo Exchange in light of the community of interest between those exchanges. While the parties recognize that no stipulation shall be considered binding on the Commission, the parties intend and request that the Commission carefully consider this Stipulation, Agreement and Recommendation and accept its recommendation.

#### STIPULATIONS

In furtherance of the purposes described above, the parties stipulate to the following matters as true statements of fact:

1. GTE provides local exchange telephone service in the Haskins-Tontogany Exchange and Ameritech provides local exchange service in the Perrysburg and Toledo exchanges.
2. Complainants are residents and telephone customers of the Haskins-Tontogany exchange.
3. The Haskins-Tontogany, Perrysburg and Toledo exchanges are within the Toledo LATA.
4. Telephone services available between the Haskins-Tontogany, Perrysburg and Toledo exchanges have been described in the Information Responses submitted by GTE and Ameritech in these proceedings, and the information reflected in such Information Responses is true and correct.
6. The Haskins-Tontogany, Perrysburg and Toledo exchanges share the community of interest that is exhibited by the following data:

- a. As disclosed in the Information Responses of GTE, the calling rate from Haskins-Tontogany to Perrysburg is 3.17 for September 1999.
- b. Because Measured rate EAS already exists between the Haskins-Tontogany and Toledo exchanges, no calling rate is available. The average number of ELCP calls from Haskins-Tontogany to Toledo, however, was 15.5 for September, 1999.
- c. Various services, products and activities are provided to Haskins-Tontogany residents from the Perrysburg and Toledo exchanges. As disclosed in the telephone directory for Perrysburg and Toledo various services, products and activities located in the Perrysburg and Toledo exchanges are as follows:
  - (i) Commercial and employment facilities;
  - (ii) Law enforcement, medical, dental, and veterinarian services including hospitals and clinics;
  - (iii) Shopping facilities;
  - (iv) Social, cultural, religious and recreational activities.
  - (v) State and federal government offices and facilities serving residents of the Haskins-Tontogany exchange.

These factors establish a community of interest between these exchanges.

7. To provide Extended Area Service as contemplated by this Stipulation, Agreement and Recommendation, neither GTE nor Ameritech would enter into exceptionally heavy investments in facilities or incur exceptionally high costs. If flat-rate EAS is ordered between the Haskins-Tontogany and Toledo Exchanges, there will be banded rate increases for subscribers in the Haskins-Tontogany Exchange as disclosed in the Information Response of GTE.

8. The institution of measured EAS between the Haskins-Tontogany and the Perrysburg exchanges would serve the public interest.

9. The representative of the Complainants whose name appears below has represented to the parties and, upon submission of this Stipulation, Agreement and Recommendation, represents to the Commission, that he is fully and completely

authorized to act on behalf of the Complainants in the execution of this Stipulation, the agreements herein reflected, and the recommendations herein recited.

10. If flat-rate EAS to the Toledo Exchange is ordered, there will be a canvass of the Haskins-Tontogany subscribers to determine if they are willing to pay the banded rate increase.

#### AGREEMENTS

In furtherance of the purposes described above, and in view of the facts as stipulated above, the parties agree as follows:

11. The Complainants are withdrawing their request for EAS to the Weston Exchange of GTE, to the Maumee and Whitehouse exchanges of Ameritech Ohio and to the Waterville Exchange of United Telephone Company d/b/a Sprint and acknowledge and are fully aware that they are waiving their rights to any public hearing on the community of interest issues described herein.

12. Promptly upon execution of this Stipulation, Agreement and Recommendation by all parties, the same will be filed with the Commission. Thereafter, the Complainants and GTE and Ameritech will take reasonable steps, including but not limited to the development and submission of such other data as the Commission may request, to facilitate the issuance by the Commission of an order as contemplated herein.

13. Upon approval by the Commission of this Stipulation, Agreement and Recommendation, GTE and Ameritech will undertake to institute Measured Extended Area Service as ordered by the Commission and as described in GTE's and Ameritech's tariffs between the Haskins-Tontogany Exchange and the Perrysburg Exchange and additional service between the Haskins-Tontogany Exchange and the Toledo Exchange, should the Commission order any change in the existing EAS between Haskins-Tontogany and Toledo.

14. The services contemplated to be ordered by the foregoing paragraphs shall be instituted at the earliest practicable time that can be accomplished by GTE and Ameritech, but not later than 12 months after issuance of an order finally approving this Stipulation, Agreement and Recommendation, unless the Commission (upon application of GTE or Ameritech or otherwise) issues a further order extending the time for institution of the services.

15. If the Commission fails to approve this Stipulation, Agreement and Recommendation, or fails to issue the orders hereby contemplated, or issues any order rejecting, or disapproving or modifying all or any part of this Stipulation, Agreement and Recommendation, then this Stipulation, Agreement and Recommendation shall, upon notice by any party hereto to the other parties and to the Commission, be null and void and shall not bind Complainants or GTE, Ameritech and Sprint in any respect in any subsequent proceedings in this docket.

16. This Stipulation, Agreement and Recommendation is submitted solely for purposes of compromise in these proceedings, and nothing in this Stipulation, Agreement and Recommendation is intended to or shall be construed to bind Complainants or GTE, Ameritech or Sprint in any other proceedings before any tribunal whatsoever, including but not limited to any other proceeding before the Commission involving Extended Area Service.

#### RECOMMENDATIONS


In view of the foregoing stipulations and agreements, the parties recommend and move the Commission to issue an order in this matter:

- a. Finding that the matters addressed in the Stipulation are true;
- b. Finding that the circumstances authorize the institution of measured Extended Area Service between the Haskins-Tontogany exchange on the one hand and the Perrysburg exchange on the other hand;

- c. Finding that a community of interest exists between the Haskins-Tontogany exchange and the Toledo exchange;
- d. Approving the agreements of the parties relating to such services reflected herein;
- e. Ordering GTE and Ameritech to institute measured Extended Area Service between the Haskins-Tontogany and Perrysburg exchanges and ordering any change in EAS between Haskins-Tontogany and Toledo that may be warranted by the community of interest between those exchanges.
- f. Dismissing all other portions of the case, including but not limited to dismissal of the requests for EAS to the Waterville exchange of United Telephone Company of Ohio d/b/a Sprint, the Weston exchange of GTE North Incorporated, and the Maumee and Whitehouse exchanges of Ameritech Ohio.

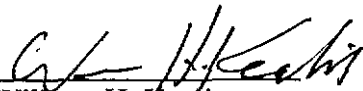
SO STIPULATED AND AGREED TO by the undersigned parties on the dates appearing at their respective signatures.

For and on behalf of himself and  
Numerous subscribers of the  
Haskins-Tontogany Exchange

  
Philip L. Dombey  
Leatherman, Witzler, Dombey & Hart  
353 Elm Street  
Perrysburg, OH 43551  
419 874-3536

Dated: 6/19/00

GTE North Incorporated

By   
William H. Keating  
5994 Whitecraigs Ct.  
Dublin, OH 43017  
614 799-1312  
Its Attorney

Dated: June 16, 2000

Ameritech Ohio

By Charles S. Rawlings  
Charles S. Rawlings  
2639 Wooster Road  
Rocky River, OH 44116  
440 356-3172  
Its Attorney

Dated: 6/27/00

United Telephone Company of Ohio d/b/a Sprint

By Joseph R. Stewart  
Joseph R. Stewart  
Sprint  
50 West Broad Street, Suite 3600  
Columbus, OH 43215  
614 220-8625  
Its Attorney

Dated: 6/27/00