

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of Gail Forest)
and Numerous Other Subscribers of)
of the Windham Exchange of United)
Telephone Company of Ohio, dba Sprint,)

Complainants,)

v.)

Case No. 97-254-TP-PEX

United Telephone Company of Ohio, dba)
Sprint,)

Respondent,)

Relative to a Request for Two-Way, Nonop-)
tional, Flat-Rate Extended Area Service)
Between the Windham Exchange and the)
Warren and Newton Falls Exchanges of)
United Telephone Company of Ohio,)
dba Sprint.)

FINDING AND ORDER

The Commission finds:

- (1) On March 4, 1997, Gail Forest, spokesperson for the complainants, and numerous other subscribers of the Windham Exchange of United Telephone of Ohio, dba Sprint (Sprint) filed a petition for two-way, nonoptional, flat-rate extended area service (EAS) between the Windham Exchange and the Warren and Newton Falls exchanges of Sprint.
- (2) On July 21, 1998, the complainants and the respondent, Sprint, jointly filed a document entitled "Stipulation, Agreement and Recommendation" (stipulation). The parties entered into the stipulation in order to resolve all the issues of this proceeding and to recommend that the Commission issue an order approving the stipulation and directing Sprint to institute two-way, nonoptional, measured-rate EAS between the Windham Exchange and the Warren Exchange.
- (3) The Windham and Warren exchanges are located in Portage and Trumbull counties, respectively. The Newton Falls Exchange is

located mostly in Trumbull County with a portion in Portage County. All of the exchanges are located in the Youngstown local access and transport area (LATA). The local calling area for the Windham Exchange includes the Windham, Garrettsville, and Ravenna exchanges.

The number of access lines for the Windham Exchange was 1,650 for December 1997. The Warren and Newton Falls exchanges have 57,487 and 4,642 access lines, respectively, for December 1997.

- (4) Generally, the stipulation provides that:
- (a) Sprint provides local exchange telephone service to the Windham, Warren, and Newton Falls exchanges.
 - (b) Complainants are residents and subscribers of the Windham Exchange.
 - (c) The information set forth in the respondent's informational response, which describes the telephone services available within and between the involved exchanges, is true and correct. Alternative telephone services currently available between the Windham and Warren exchanges are Foreign Exchange Service and TeleSaver.
 - (d) According to Sprint's information response, the calling rate/distribution of calling between the Windham Exchange and the Warren Exchange were as follows:

Route	Nov. '97	Dec. '97	Jan. '98
Windham to Warren	6.72/32.17%	6.14/28.85%	6.82/32.17%
Warren to Windham	.18/3.81%	.14/3.02%	.16/3.37%

- (e) A community of interest is exhibited in this case by the various services, products, and activities located in the Warren Exchange which are not located in the Windham Exchange.

- (f) In order to provide two-way, nonoptional, measured-rate EAS, Sprint would not be required to enter into exceptionally heavy investments in facilities or incur exceptionally high costs. Rates for the proposed measured-rate service are reflected in Sprint's tariff which already has been approved by the Commission.
- (g) The institution of two-way, nonoptional, measured-rate EAS between the Windham and Warren exchanges would not involve a rate increase for any of the involved exchanges. Therefore, a canvass would not be necessary prior to institution of such service.
- (h) If approved by the Commission, Sprint will institute service as early as practicable, and barring any circumstances beyond the company's reasonable control, implement service within 12 months after the issuance of an order approving the stipulation.
- (i) The spokesperson for the complainants has represented to Sprint and the Commission that she is fully authorized to act on behalf of the complainants in the execution of the stipulation. Through the stipulation, complainants acknowledge that they are:
- (i) expressly waiving and abandoning all rights to a hearing in this matter;
 - (ii) agreeing to the institution of two-way, nonoptional, measured-rate EAS in lieu of two-way, nonoptional, flat-rate EAS;
 - (iii) withdrawing their pending request for two-way, nonoptional, flat-rate EAS between the Windham Exchange and the Warren and Newton Falls exchanges.
 - (iv) fully aware that upon institution of the contemplated EAS service, no form of Message Toll Service, or any other alternative to EAS not explicitly identified

otherwise in Sprint's information response, will be available.

- (j) If the Commission fails to approve the stipulation, or fails to issue any order contemplated within the stipulation, or issues any order rejecting or disapproving all or part of this stipulation, the parties have reserved the right to declare the stipulation null and void. Nothing in the stipulation is intended to be binding upon the parties in any other proceeding.
- (k) The respondent is a telephone company as defined by Section 4905.03(A)(2), Revised Code, and a public utility by reason of Section 4905.02, Revised Code. The respondent is, therefore, subject to the jurisdiction of the Commission under the authority of Sections 4905.04 and 4905.05, Revised Code.
- (l) Rule 4901-1-30, Ohio Administrative Code, authorizes parties to Commission proceedings to enter into stipulations. Although not binding upon the Commission, stipulations are given careful scrutiny and consideration, particularly where all parties have joined together in the stipulation. See, *Cincinnati Gas and Electric Company*, Case No. 76-302-EL-AIR (May 4, 1977).
- (m) The Commission finds that the terms and conditions set forth in the stipulation filed by the parties are reasonable and, therefore, the stipulation should be approved.
- (n) The Commission finds that the stipulated settlement submitted in this case appears: (1) to be the result of serious bargaining among parties who seem capable of grasping and resolving the issues at stake in this proceeding; (2) to benefit the public interest; and (3) not to violate any important regulatory principle or practice. See, *Consumers' Counsel v. Pub. Util. Comm.*, 64 Ohio St. 3d 123 (1992).

It is, therefore,

ORDERED, That the stipulation filed on July 21, 1998, is approved in its entirety. It is, further,

ORDERED, That Sprint institute measured-rate EAS between the Windham Exchange and the Warren Exchange as soon as practicable and, in any event, within 12 months from the date of this Finding and Order. It is, further,

ORDERED, That Sprint establish an in-service date within four months of the date of this Finding and Order, inform the Commission and the spokesperson of the date, and advise the Compliance Division of the Commission and the spokesperson no later than 60 days prior to the in-service date in the event that the date cannot be met, together with the reason. It is, further,

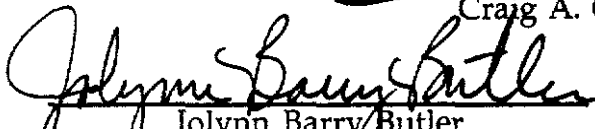
ORDERED, That Sprint is authorized to file a revised tariff sheet reflecting the establishment of two-way, measured-rate EAS between the Windham Exchange and the Warren Exchange under a separate cover letter which references Case No. 97-254-TP-PEX, and the docket number of Sprint's tariff. This tariff sheet shall be effective upon the institution of the EAS service. It is, further,

ORDERED, That copies of this Finding and Order be served upon Sprint, its counsel, the spokesperson for the complainants, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



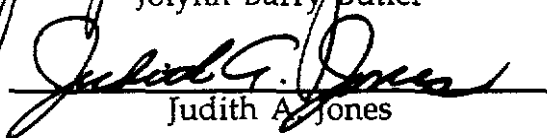
Craig A. Glazer, Chairman



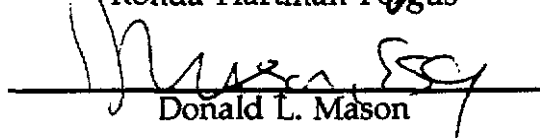
Jolynn Barry Butler



Ronda Hartman Fergus



Judith A. Jones



Donald L. Mason

KKS/pdc

Entered in the Journal

AUG 6 1998

A True Copy



Gary E. Vigorito
Secretary

CASE NUMBER 97-254-TP-PEX
CASE DESCRIPTION GAIL FOREST/SPRINT/UNITED
DOCUMENT SIGNED ON August 6, 1998
DATE OF SERVICE Aug. 7, 1998

PERSONS SERVED

PARTIES OF RECORD

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