

95-983-TP-PEX

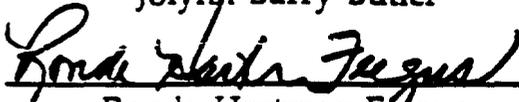
ORDERED, That a copy of this Entry on Rehearing be served upon all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



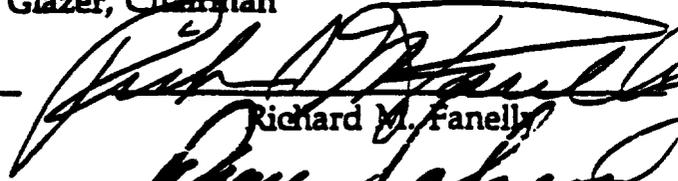
Craig A. Glazer, Chairman

Jolynn Barry Butler

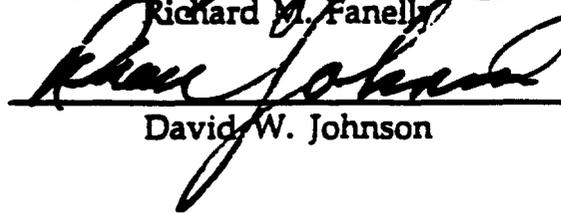


Ronda Hartman Fergus

Richard M. Fanelly



David W. Johnson



GNS/pdc

Entered in the Journal

OCT 10 1996

A True Copy



Gary E. Vigorito
Secretary

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Joint Appli-)
 cation of The Western Reserve)
 Telephone Company and Ameritech)
 Ohio for the Approval of One-Way,)
 Extended Local Calling Service) Case No. 94-1103-TP-PEX
 From the Aurora, Northfield, and)
 Twinsburg Exchanges of The Western)
 Reserve Telephone Company to the)
 Akron Exchange of Ameritech Ohio.)

FINDING AND ORDER

The Commission finds:

- 1) On June 24, 1994, The Western Reserve Telephone Company (Western Reserve) and Ameritech Ohio (Ameritech) filed a joint application with the Commission, docketed as Case No. 94-1103-TP-PEX, pursuant to Rule 4901:1-7-05, Ohio Administrative Code (O.A.C.), seeking authority to provide one-way, nonoptional extended area service known as Extended Local Calling Service (ELCS) from the Aurora, Northfield, and Twinsburg exchanges of Western Reserve to the Akron Exchange of Ameritech. ELCS is a measured-rate extended area service (EAS) which provides discounts from current toll rates without increasing the present monthly local exchange service charge. This joint application is part of the plan filed by Western Reserve as part of the settlement in Case Nos. 92-1525-TP-CSS and 93-230-TP-ALT.
- 2) By Attorney Examiner's Entry issued July 18, 1994, it was determined that, due to the nature of the proposed service, because of the detailed information contained in the application, and because no entity had yet sought intervention in this proceeding, a public hearing was not necessary unless the Commission received a request for one from an affected subscriber. Legal notice of the pendency of this application was ordered to be made once a week for three consecutive weeks in newspapers of general circulation in the affected counties, on or before August 18,

1994. The Entry also provided any interested person an opportunity to request an oral hearing in this matter for good cause shown by filing a statement to that effect on or before September 1, 1994.

- 3) Generally, the joint application provides that:
- a) The Twinsburg and Northfield exchanges are located within Summit County. The Aurora Exchange is located predominantly within Portage County with small portions extending into Summit and Geauga counties. The involved exchanges are not contiguous to each other.
 - b) According to the calling statistic information based on data submitted by AT&T and Sprint for October 1993 and MCI, Allnet, and LCI for March 1994, the calling rates are as follows:

Aurora to Akron	3.04
Northfield to Akron	4.21
Twinsburg to Akron	5.43
 - c) The proposed ELCS will not result in an increase in rates for the affected subscribers; therefore, no canvass would be required in order to institute the proposed service.
 - d) The joint applicants propose to implement this service within six months of all necessary approvals.
- 4) On September 1, 1994, Allnet Communications Services, Inc.,¹ AT&T Communications of Ohio, Inc., MCI Telecommunications Corporation, LCI International Telecom Corp., and LDDS Communications (collectively referred to as "the IXCs") filed comments and a statement of opposition to the joint application and, alternatively, a motion for leave to intervene in this proceeding. The IXCs allege that: (1) the IXCs stand to lose interLATA traffic between the telephone exchanges involved in this petition once measured-rate EAS has been

1. By letter filed November 15, 1994, Allnet Communications Services, Inc. withdrew as a party of record in this case.

implemented; (2) pursuant to Rule 4901:1-7, Ohio Administrative Code (O.A.C.), there is insufficient calling between the exchanges in this case to support flat-rate EAS and measured-rate EAS should not be implemented; and, (3) the Commission should reopen its Investigation Into The Continued Feasibility of Extended Area Service, Case No. 88-1454-TP-COI (88-1454), to restructure the EAS rules to eliminate measured-rate EAS as an option for areas with an insufficient community of interest to support flat-rate EAS. The IXCs also request that all currently pending EAS cases be held in abeyance until these issues are resolved. The IXCs state that they seek intervention into this proceeding as they have a substantial interest in this proceeding, and their views should be given consideration by the Commission. The IXCs also request, to the extent necessary, a hearing in this matter.

- 5) Responses to the IXCs' filing were filed by Western Reserve on September 16, 1994 and by Ameritech on September 22, 1994. Western Reserve contends that the joint application was submitted in accordance with the current Commission rules and precedent and the IXCs do not contend otherwise. Rather, the focus of the IXCs' position is that the current rules need to be changed. Further, according to Western Reserve, to change the current rules during this proceeding would deny them due process and work an arbitrary and unreasonable result.

Ameritech concurs in Western Reserve's response. Moreover, Ameritech asserts, the one-way EAS sought in this case was specifically contemplated by the Commission as part of the settlement in Western Reserve's alternative regulation proceeding. :

- 6) Rule 4901-1-11(B), O.A.C., provides that, upon timely motion, any person may be permitted to intervene in a proceeding upon a showing that the person has a real and substantial interest in the proceeding. In deciding whether to permit intervention, the Commission may consider the nature of the person's interest, the extent to which the person's interest is represented by existing parties, the person's potential contribution to a just and expedi-

tious resolution of the issues, and whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice any existing party.

- 7) A review of the facts and pleadings in this case demonstrates that the IXC's have a real and substantial interest in this proceeding. As a result, the IXC's' motion to intervene should be granted.
- 8) The Commission has given careful consideration to the concerns raised by the IXC's, as well as the responses in reviewing this matter. With respect to the IXC's' request for a hearing in this matter, the Commission notes that the joint application in this case was contemplated in Western Reserve's alternative regulation plan and that the IXC's participated in the proceedings surrounding that plan and signed the stipulation approving the plan. To the extent that the IXC's had any issues specific to the EAS requested in this joint application which they wished to have presented at hearing, they had the opportunity to do so during the alternative regulation proceedings. Consequently, the IXC's' request for a hearing in this proceeding will be denied and the Commission will decide this case based on the record before us.

The IXC's have requested that the Commission consider the loss of toll traffic to them and the accompanying loss of revenue as a result of the implementation of measured-rate EAS. As with any EAS case, the Commission is aware that telephone companies will realize a loss of toll revenue if toll calls are no longer being made. The Commission took this fact into consideration in deciding this case.

With respect to the IXC's' request that the docket in 88-1454 be reopened, the Commission declines at this point to take such action. If the Commission determines that such an action is warranted, the Commission may reconsider the IXC's' request. Finally, with respect to the IXC's' request that all EAS cases be held in abeyance, the Commission declines to take such action at this time. If the Commission determines in the future that such action is warranted, we may reconsider the IXC's' request.

- 9) The joint applicants are telephone companies as defined in Section 4905.03(A)(2), Revised Code, and public utilities as defined in Section 4905.02, Revised Code. As such, the joint applicants are subject to the jurisdiction of the Commission under the authority of Sections 4905.04 and 4905.05, Revised Code.
- 10) Upon review of the various documents and supporting exhibits contained within the joint application, the Commission concludes that the joint applicants' request to establish one-way, nonoptional ELCS between the Aurora, Northfield, and Twinsburg exchanges and the Akron Exchange should be granted.
- 11) As the joint applicants are aware, ELCS between the Aurora, Twinsburg, and Northfield exchanges and the Akron Exchange will constitute interLATA traffic and will require a waiver from the United States District Court for the District of Columbia. Thus, Ameritech should petition the court for such a waiver and, upon receipt of the waiver, begin terminating the one-way, nonoptional ELCS from the Aurora, Twinsburg, and Northfield exchanges to the Akron Exchange.

It is, therefore,

ORDERED, That the IXCs' request to intervene is granted. It is, further,

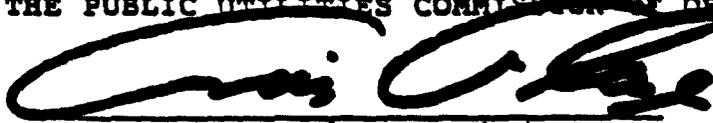
ORDERED, That the IXCs' request for a hearing is denied. It is, further,

ORDERED, That the joint application seeking one-way, non-optional Extended Local Calling Service from the Aurora, Northfield, and Twinsburg exchanges to the Akron Exchange is granted. It is, further,

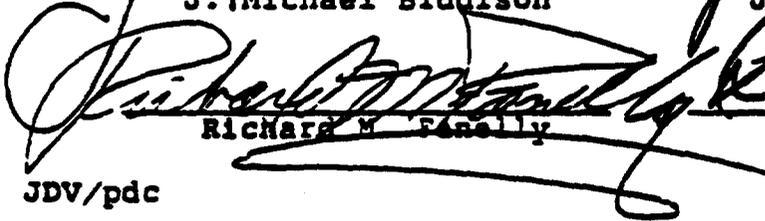
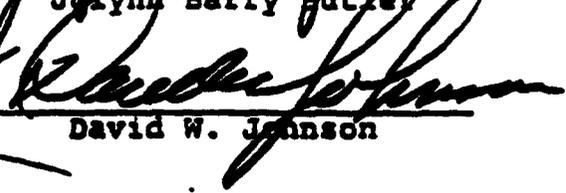
ORDERED, That Ameritech shall file an application for a waiver from the United States District Court for the District of Columbia which would authorize it to terminate interLATA telecommunication services from the Aurora, Twinsburg, and Northfield exchanges to the Akron Exchange, that Ameritech submit a copy of the application to the Commission, and that Ameritech keep the Commission advised of the status of the application. It is, further,

ORDERED, That copies of this Finding and Order be served upon Western Reserve, Ameritech, the IXC's, their respective counsel, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



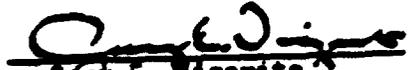
Craig A. Glazer, Chairman


J. Michael Biddison
Jolynn Barry Butler
Richard M. Fenally
David W. Johnson

JDV/pdc

Entered in the Journal
MAR 23 1995

A True Copy


Gay E. Vigorito
Secretary

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Joint Application of)
 The Western Reserve Telephone Company)
 and Ameritech Ohio for the Approval of)
 One-Way, Extended Local Calling Service)
 from the Aurora, Northfield, and Twinsburg)
 Exchanges of The Western Reserve)
 Telephone Company to the Akron Exchange)
 of Ameritech Ohio.)

Case No. 94-1103-TP-PEX

ENTRY

The Commission finds:

- (1) By finding and order issued March 23, 1995, the Commission, among other things, granted the joint application of Western Reserve Telephone Company and Ameritech Ohio to provide one-way, nonoptional Extended Local Calling Service (ELCS) from the Aurora, Northfield, and Twinsburg exchanges to the Akron Exchange. ELCS is a measured-rate extended area service. The Commission ordered Ameritech Ohio to file an application for a waiver from the United States District Court for the District of Columbia which would authorize Ameritech to terminate interLATA telecommunication services from the Aurora, Twinsburg, and Northfield exchanges to the Akron Exchange.
- (2) As the Commission has acknowledged in recent cases involving Ameritech in which interLATA EAS has been ordered, the procedure used to acquire a waiver from the U. S. District Court was eliminated by the passage of the Telecommunications ACT of 1996. *Modification of Final Judgment in United States V. Western Electric et al.*, Civil Action No. 82-1092 (April 11, 1996). Ameritech has previously stated that it believes that a petition to the Federal Communications Commission for a waiver or a modification of the current LATA boundary is necessary under the Telecommunications Act of 1996 before it can provide any interLATA service. *Jennings et al. v. Ameritech Ohio*, Case No. 95-983-TP-PEX, Ameritech application for rehearing, at page 3, filed on August 22, 1996. Accordingly, Ameritech should file, within 20 days of the date of this entry, a petition with the Federal Communications Commission for authority to provide interLATA ELCS service from the Aurora, Northfield, and Twinsburg exchanges to the Akron Exchange.

It is, therefore,

ORDERED, That Ameritech shall file, within 20 days of the date of this entry with the Federal Communications Commission for authority to provide LATA ELCS from the Aurora, Northfield, and Twinsburg exchanges to the Akron Exchange. It is, further,

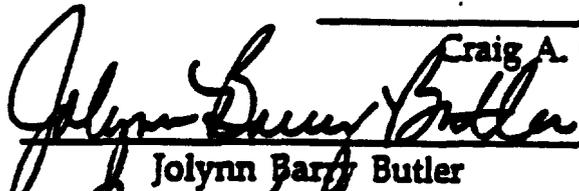
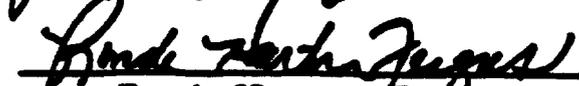
ORDERED, That within 120 days of procuring the necessary approval, Ameritech and Western Reserve shall institute ELCS from the Aurora, Northfield, and Twinsburg exchanges to the Akron Exchange. It is, further,

ORDERED, That within thirty days of procuring the necessary approval, Ameritech and Western Reserve shall establish an in-service date for the service and inform the Commission of the date. It is, further,

ORDERED, That Ameritech and Western Reserve are authorized to file revised tariff sheets reflecting the establishment of the ELCS from the Aurora, Northfield, and Twinsburg exchanges to the Akron Exchange under separate cover letters, which reference Case No. 94-1103-TP-PEX and the docket numbers of Ameritech's and Western Reserve's respective tariffs. These tariffs shall be effective upon the institution of ELCS. It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Jolynn Barry Butler

Ronda Hartman Fergus

Craig A. Glazer, Chairman


Richard M. Fanelly

David W. Johnson

PJD/vrh

Entered in the Journal

OCT 24 1995
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Gary E. Vigorito
Secretary