ATTACHMENT D

150 E. Gay Street
Room 4C
Columbus, OH 43215-3111

Ameritech

November 7, 1997

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PUCO

Ms. Daisy Crockron
Docketing Division
The Public Utilities Commission of Ohio
180 East Broad Street
Columbus OH 43266-0573

Re: Case No. 96-1353-TP-ATA

Dear Ms. Crockron:

Pursuant to Staff recommendation, the Company is amending its application made on December 12, 1996, to include additional information related to IntraLATA Presubscription and the requirements of the Telecommunications Act of 1996. In addition, the amendment includes information regarding the implementation charge for presubscription. However, actual amounts will be provided at the time that IntraLATA dialing parity is introduced.

If you have any additional questions about this case, please contact me at (614)223-8184.

Very truly yours,

Susan Drombetta

Susan Drombetta
Director

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1. **EXCEPTIONS (cont'd)**

A. Switched Access Service (cont'd)

2. IntraLATA Presubscription Implementation Charge (N)

The IntraLATA Presubscription Implementation Charge is a $_____ per minute of use charge that is assessed to recover the Telephone Company's costs associated with the implementation of IntraLATA Presubscription as described in (B) following. The charge is applied to originating IntraLATA Switched Access minutes generated on lines that are presubscribed for intraLATA toll service. The IntraLATA Presubscription Implementation Charge becomes effective one year and 45 days after the effective date of this tariff unless otherwise ordered by the Commission, and will remain in effect for three years.

B. IntraLATA Presubscription

1. General

IntraLATA Presubscription is a procedure whereby a subscriber designates to the Telephone Company the carrier which the subscriber wishes to be the carrier of choice for calls subject to IntraLATA Presubscription, as described in Paragraph B.2. following. Such calls are automatically directed to the designated carrier, without any specific codes or number being dialed or pulsed by the subscriber.

IntraLATA Presubscription will become effective subject to the terms of Sections 271(e)(2)(A) and 271(e)(2)(B) of the Telecommunications Act of 1996.

2. Calls Subject to IntraLATA Presubscription

The following calls ("usage calls") are subject to IntraLATA Presubscription:

a. All IntraLATA message toll calls which are or would otherwise be governed by the provisions of the Telephone Company's Tariff P.U.C.O. No. 20, Part 9, Section 1.

b. All calls originated by customers of Optional Calling Plans which are or would otherwise be governed by the provisions of the Telephone Company's Tariff P.U.C.O. No. 20, Part 9, Section 3, except as noted below. (N)

1. **EXCEPTIONS (cont'd)**

B. IntraLATA Presubscription (cont'd) (N)

2. Calls Subject to IntraLATA Presubscription (cont'd)

Ameritech Ohio will implement intraLATA toll dialing parity coincident with either grant of authority by the FCC under Section 271 of the Telecommunications Act of 1996 and the certifications of Ameritech Communications, Inc. by the Public Utilities Commission of Ohio to provide interLATA services originating in Ohio or February 8, 1999, whichever occurs sooner.

3. Calls Specifically Excluded from IntraLATA Presubscription

All 0- calls, calls to 411, 911, Public Announcement Service calls (976-XXXX), and all local calls except as noted in Paragraph B.2. preceding, are specifically excluded from IntraLATA Presubscription.

Calls using the 500, 700, 800, 888 or 900 service access codes shall be routed in accordance with the North American Numbering Plan.

4. IntraLATA Presubscription Options

Option A - Subscriber selects the Telephone Company as the presubscribed carrier for all IntraLATA usage calls subject to IntraLATA Presubscription.

Option B - Subscriber selects their interLATA toll carrier as the presubscribed carrier for all IntraLATA usage calls subject to IntraLATA Presubscription and InterLATA usage calls.

Option C - Subscriber selects a carrier other than the Telephone Company as the presubscribed carrier for IntraLATA usage calls subject to IntraLATA Presubscription and a different carrier as the presubscribed carrier for all InterLATA usage calls.

Option D - Subscriber may select no presubscribed carrier for Intra and/or InterLATA usage calls, which will require the subscriber to dial a carrier access code to route all intraLATA and/or interLATA toll calls to the carrier of choice for each call. (N)

1. **EXCEPTIONS (cont'd)**

B. IntraLATA Presubscription (cont'd) (N)

5. Rules and Regulations

Subscribers of record on the effective date of this tariff will retain their current dialing arrangements until they request that they be changed.

Subscribers of record or new subscribers may select either Options A, B, C, or D as their IntraLATA Presubscription choice.

Subscribers may change their selected option and/or presubscribed carrier at any time subject to charges specified in Paragraph 6. following.

6. IntraLATA Presubscription Charges

a. Application of Charges

The Telephone Company will notify subscribers that IntraLATA Presubscription is available through Telephone Company bill inserts, no longer than 60 days following the effective date of IntraLATA Toll Presubscription. The notice will contain a description of IntraLATA Presubscription, how to select among presubscription choices, and related charges. There will be no charge for the initial selection made within 90 days of subscriber notification of IntraLATA Presubscription.

New subscribers will be asked to select a carrier(s) at the time they place an order with the Telephone Company for a Telephone Company Network Access Line (see P.U.C.O. No. 20, Part 2, Section 1, for the definition of Network Access Line). If unable to make a selection at the time they place an order for the Telephone Company Network Access Line, new subscribers will be read a random listing of all available intraLATA carriers to aid in the selection. There will be no charge for the initial selection if the selection is made within 90 days of the initial order placement.

Until the new subscriber informs the Telephone Company of a choice for an intraLATA toll carrier, the new subscriber will be presubscribed to no intraLATA toll carrier, but rather will be required to dial a carrier access code to route the intraLATA toll call to the carrier of choice. (N)

1. **EXCEPTIONS (cont'd)**

B. IntraLATA Presubscription (cont'd) (N)

6. IntraLATA Presubscription Charges (cont'd)

a. Application of Charges (cont'd)

After the subscriber's initial selection, for any change thereafter, an IntraLATA Presubscription Charge, as set forth in Paragraph 6.b. following applies.

If the subscriber selects the same interLATA and intraLATA carrier when simultaneously changing their interLATA and intraLATA presubscribed carriers, only the intraLATA presubscription charges, as set forth in Paragraph 6.b following apply. If the subscriber selects different interLATA and intraLATA carriers when simultaneously changing interLATA and intraLATA carriers, then intraLATA presubscription charges as set forth in Paragraph 6.b following apply for selection of the intraLATA carrier and tariffed interLATA charges apply for the selection of the interLATA carrier.

Subscribers may designate that they do not want to select a carrier. This choice is considered a valid presubscription selection and IntraLATA Presubscription Charges will apply to any subsequent change.

When the Telephone Company changes a subscriber's carrier assignment based on carrier-provided Subscriber Lists and a choice discrepancy occurs, and the carrier is unable to produce proper agency authorization, the carrier rather than the subscriber will be billed for IntraLATA Presubscription charges that apply for making that change and/or restoring the subscriber's original assignment. In addition, an Unauthorized IntraLATA Presubscription Change Charge specified in Paragraph 6.b. following will apply. If a change is due to a Telephone Company error, the previous assignment will be restored at no charge. If the carrier submitting a disputed assignment has signed a Switchback Option agreement and the following conditions are met, the Switchback Option IntraLATA Presubscription Change Charge, instead of the Unauthorized IntraLATA Presubscription Change Charge will apply as set forth in the following paragraph. (N)

1. **EXCEPTIONS (cont'd)**

B. IntraLATA Presubscription (cont'd) (N)

6. IntraLATA Presubscription Charges (cont'd)

a. Application of Charges (cont'd)

Switchback Option - The Switchback Option is an agreement between the Telephone Company and the carrier under which no investigation activities are performed by the Telephone Company or the participating carrier when the Telephone Company changes a subscriber's carrier assignment and the change is disputed by the subscriber. Three conditions must be met for the Switchback Option to apply:

(1) The carrier submitting the disputed change has signed a Switchback Option agreement.

(2) The disputed change was requested via a carrier-provided Subscriber List submitted in the Customer Account Record Exchange (CARE) format.

(3) The disputed change occurred within the last 90 days.

When these conditions have been met, the subscriber will be credited the IntraLATA Presubscription Change charge assessed for the disputed change and the subscriber will be restored to the original assignment at no charge. The carrier participating in the Switchback Option will be charged the Switchback Option Change charge per line or port as specified in Paragraph 6.b. following.

Access Customer Billing Option - The Access Customer (AC) Billing Option is an agreement between the Telephone Company and the carrier under which the IntraLATA Presubscription charge is assessed to the carrier instead of being charged to the subscriber when the Telephone Company changes a subscriber's carrier assignment. Two conditions must be met for the AC Billing Option to apply:

(1) The IntraLATA Presubscription change must be requested via a carrier-provided subscriber list submitted in the Customer Account Record Exchange (CARE) format. (N)

1. **EXCEPTIONS (cont'd)**

B. IntraLATA Presubscription (cont'd) (N)

6. IntraLATA Presubscription Charges (cont'd)

a. Application of Charges (cont'd)

(2) The carrier submitting the IntraLATA Presubscription change has signed an AC Billing Option agreement.

The carrier submitting the IntraLATA Presubscription change has signed an AC Billing Option agreement.

When these conditions have been met, the subscriber will not be assessed the IntraLATA Presubscription Change charge for the IntraLATA Presubscription change. The carrier participating in the AC Billing Option will be charged the IntraLATA Presubscription Change charge per line or trunk as set forth in Paragraph 6.b. following.

b. Nonrecurring Charges

Description	Nonrecurring Charge
(1) IntraLATA Presubscription Change Charge, per business or residence line, trunk or port	
- initial line or trunk	$ 5.00
- additional line or trunk	1.50
These charges are billed on a per order basis to the usage subscriber of record for a Telephone Company Network Access Line, except as set forth in Paragraph 6.a. preceding.	
(2) Unauthorized IntraLATA Presubscription Change Charge, per business or residence line or trunk	18.00
(3) Switchback Option IntraLATA Presubscription Change Charge, per business or residence line or trunk	10.00 (N)

Ameritech Ohio files the attached proposed tariff sheets in support of its Presubscription Plan pursuant to the Commission's November 7, 1996 Rehearing Entry adopting the Local Service Guidelines (Case No. 95-845-TP-COI). IntraLATA Presubscription is a procedure whereby an end user designates to the Telephone Company the carrier which the end user wishes to be the carrier of choice for calls subject to IntraLATA Presubscription. Such calls are automatically directed to the designated carrier without any specific codes or numbers being dialed or pulsed by the subscriber. There will be no charge to existing end users for the initial carrier selection made within 90 days of subscriber notification of IntraLATA Presubscription. New end users will be asked to select a carrier(s) at the time they place an order and will not be assessed the IntraLATA Presubscription charge for their initial carrier selection if the selection is made within 90 days of order placement.

In addition, an IntraLATA Presubscription Implementation charge will be assessed to the carriers providing the IntraLATA service. The IntraLATA Presubscription Implementation charge is a per minute of use charge on originating IntraLATA Switched Access Usage that is assessed to proportionally recover Ameritech's costs associated with the implementation of IntraLATA Presubscription from all carriers of intraLATA usage.

No specific effective date has been assigned to this tariff. For Ameritech Ohio, the effectiveness of this tariff is tied to Section 271(e)(2)(A) of the 1996 Act and state certification of Ameritech Communications, Inc. to provide interLATA toll service, which requires that Ameritech Ohio "provide intraLATA toll dialing parity throughout that state coincident with its exercise of the [in-region interLATA] authority." It is Ameritech Ohio's plan that IntraLATA Presubscription will be available in all central offices upon the effective date of this tariff.

These changes are filed pursuant to the Commission's Local Service Guidelines and are not governed by the Advantage Ohio Plan.

EXHIBIT C-1

E

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ameritech Ohio to Revise its Ameritech Tariff, PUCO No. 20, To Add IntraLATA Presubscription.	))))	Case No. 96-1353-TP-ATA

FINDING AND ORDER

The Commission finds:

(1) Section 251(b)(3) of the Telecommunications Act of 1996 (1996 Act) requires all local exchange carriers (LECs) to implement dialing parity. On February 20, 1996, the Commission, in Case No. 95-845-TP-COI (local service guidelines), ordered LECs except Ameritech Ohio (Applicant) to implement intraLATA toll dialing parity by June 12, 1997. Ameritech Ohio was directed to have implemented dialing parity on an intraLATA basis for all of its subscribers at such time that it receives approval of the federal competitive checklist for Bell Operating Companies pursuant to Part III, Section 271(c)(2)(b) of the 1996 Act, or by February 9, 1999, which ever occurs sooner.

(2) On December 12, 1996, the Applicant filed its original proposed tariff in the above captioned case pursuant to Case No. 95-845-TP-COI. On November 7, 1997, the Applicant amended its application with a proposed revised tariff pursuant to Staff recommendations.

(3) The Applicant's proposed tariff and implementation plan adheres to the Commission's local service guidelines. The plan includes appropriate customer and carrier notices. The Applicant intends to notify customers no later than 60 days after the implementation of intraLATA presubscription. The Applicant will give customers, no less than, 90 days in which to make an initial, no-charge presubscription selection. The proposed tariff includes a presubscription customer charge of $5.00 for the first line and $1.50 for each additional line presubscribed at the same time.

(4) The Commission's local service guidelines (X.F.) state that the incremental costs directly associated with the implementation of intraLATA toll presubscription shall be borne by providers of telephone exchange service and telephone toll service through a Commission-approved switched access per minute of use (MOU) charge applied to all originating intraLATA switched access minutes generated on intraLATA presubscribed lines. The FCC in its Second Report and Order

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in CC Docket No. 96-98 also allows for the recovery of incremental costs strictly necessary to implement dialing parity.

(5) The proposed tariff of the Applicant includes a mechanism for the recovery of the incremental costs directly associated with the implementation of intraLATA presubscription based on a MOU charge applied to originating intraLATA switched access minutes generated on lines that are presubscribed for intraLATA toll service. The Applicant proposes that the cost recovery charge would become effective one year and 45 days after the implementation of intraLATA presubscription. The Applicant will track actual implementation costs and minutes of use for 12 months from the date of intraLATA presubscription implementation. No later than 12 months and 15 days after the date of implementation, the Applicant will file with the Commission an actual MOU rate in the above-captioned case. The Applicant's proposed MOU cost recovery charge will become effective on the 31st day after filing, unless otherwise acted upon by the Commission, and will remain in effect for a period of three years.

(6) The introduction of intraLATA toll presubscription will provide end-users with more choice in and control of the design of their telecommunications services. IntraLATA presubscription also provides for more competitive opportunities in the opened market.

(7) No one has sought intervention or otherwise raised objection in this case.

(8) The Staff of the Consumer Services Department has reviewed and approved the proposed customer notice.

(9) After a thorough review of this application, Staff agrees with the proposed tariff and plan for implementation and, therefore, has recommended approval of the application by the Commission.

(10) This application was filed pursuant to Section 4909.18, Revised Code, and the Commission finds, as the Applicant alleges, that the application is not for an increase in any rate, joint rate, toll, classification, charge, or rental and does not appear to be unjust or unreasonable and should be approved. Therefore, the Commission finds it unnecessary to hold a hearing in this matter.

It is, therefore,

ORDERED, That, in accordance with the above findings, with the exception of the implementation cost recovery MOU rate, the application of the Applicant to revise its tariff to add intraLATA presubscription is approved. It is, further,

ORDERED, That, in accordance with the Applicant's proposed tariff and Finding (6) above, the Applicant file in this case, its proposed MOU rate for cost recovery no later than 12 months and 15 days after the implementation of intraLATA toll presubscription. The recovery mechanism will automatically become effective on the 31st day after filing, unless otherwise acted upon by the Commission. It is, further,

ORDERED, That this case should remain open until the MOU rate for cost recovery is effective. It is, further,

ORDERED, That Applicant is authorized to file in final form, three complete printed copies of its final tariffs consistent with this Finding and Order. Applicant should file its tariffs, under one cover letter, which references both this case number, and its "TRF" case number. It is, further,

ORDERED, That the effective date of the new tariffs shall be a date not earlier than both the date of this Finding and Order and the date upon which three complete printed copies of final tariffs are filed with the Commission. The new tariffs shall be effective for services rendered on or after such effective date. It is, further,

ORDERED, That nothing in this Finding and Order shall be binding upon the Commission in any subsequent investigation or proceeding involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

ORDERED, That nothing in this Finding and Order constitutes state action for the purpose of the antitrust laws. It is not our intent to insulate the Applicant from the provision of any state or federal law which prohibits the restraint of trade. It is, further,

ORDERED, That a copy of this Finding and Order be served upon the Applicant and its counsel.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Craig A. Glazer, Chairman

Jolynn Barry Butler

Ronda Hartman Fergus

Judith A. Jones

Donald L. Mason

SP:ct

Entered in the Journal
JAN 14 1999
A True Copy
Gary E. Vigorito
Secretary

SERVICE NOTICE

CASE NUMBER 96-1353-TP-ATA

CASE DESCRIPTION AMERITECH OHIO

DOCUMENT SIGNED ON January ~~15~~ 14, 1999

DATE OF SERVICE 1-15-99

PERSONS SERVED

PARTIES OF RECORD

APPLICANT

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

ATTORNEYS

NONE

SUSAN DROMBETTA
DIRECTOR
AMERITECH OHIO
150 E. GAY ST. ROOM 4C
COLUMBUS, OH 43215

F

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ameritech Ohio to Revise its Ameritech Tariff, PUCO No. 20, To Add IntraLATA Presubscription.	))))	Case No. 96-1353-TP-ATA

ENTRY ON REHEARING

The Commission finds:

(1) On January 14, 1999, the Commission issued a finding and order approving Ameritech Ohio's (Ameritech) proposed tariff and implementation plan for intraLATA toll dialing parity as consistent with the local service guidelines adopted in *In the Matter of the Commission Investigation Relative to the Establishment of Local Exchange Competition and Other Competitive Issues*, Case No. 95-845-TP-COI (95-845), entry on rehearing issued February 20, 1997.

Ameritech's proposed tariff included a mechanism for the recovery of the incremental costs directly associated with the implementation of intraLATA presubscription based on a minutes-of-use (MOU) charge applied to originating intraLATA switched access minutes generated on lines that are presubscribed for intraLATA toll service. In order to develop an appropriate MOU charge, Ameritech proposed to track actual implementation costs and MOUs for 12 months and then file, within 12 months and 15 days of the implementation of presubscription, an actual MOU rate in this case. Ameritech's proposed MOU cost recovery charge would then become effective on the 31st day after filing, unless otherwise acted upon by the Commission, and will remain in effect for a three-year time frame. In approving Ameritech's application, the Commission found that no one had sought intervention or otherwise raised an objection in this case.

(2) On February 16, 1999, AT&T Communications of Ohio, Inc. (AT&T) and MCI Telecommunications Corporation (MCI)[1] filed a joint application for rehearing and a motion for leave to intervene in this proceeding. In support of the motion for leave to intervene, AT&T/MCI argue that Section

[1] AT&T and MCI shall jointly be referred to throughout as AT&T/MCI or movants.

4903.10, Revised Code, affords interested persons an opportunity to seek to intervene in cases at the rehearing stage provided that the parties' failure to enter an appearance prior to the issuance of the order was due to "just cause" and that the interests of the applicants were not adequately considered. AT&T/MCI maintain that their appearance at this stage of this proceeding satisfy both criteria set forth in Section 4903.10, Revised Code.

In support of the movants' argument that their failure to enter an appearance prior to an issuance of the order was due to just cause, AT&T/MCI argue that, on its face, the Ameritech tariff filing complies with local service guideline X.F. as AT&T/MCI understood that guideline and 47 C.F.R. §51.215. Thus, neither the original tariff proposal nor the revision would have given rise to a request for intervention and a hearing by AT&T or MCI. Movants also contend that the United States Supreme Court ruling in *AT&T Corp. v. Iowa Utilities Bd.*, 119 S.Ct. 721 (1999), was issued after the Commission's January 14, 1999 order in this case so AT&T/MCI had no opportunity to bring that decision to the Commission's attention prior to the rehearing stage of this case. As a final matter, AT&T/MCI aver that, similar to Case Nos. 95-845-TP-COI *et al.*,[2] AT&T/MCI had no notice that the Commission was going to interpret local service guideline X.F. and approve a cost recovery mechanism for Ameritech that is both unreasonable and unlawful. In support of the argument that the movants' interests were not adequately considered, AT&T/MCI assert that, as interexchange carriers, their interests were not considered in the Commission's decision making process.

(3) Ameritech filed a memorandum contra the joint application for rehearing of AT&T/MCI on February 26, 1999. Ameritech argues that the movants have done nothing more than parrot the statutory language found in Section 4903.10, Revised Code, rather than make the specific showings called for by that language. Ameritech also observes that the movants' application for rehearing should likewise

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2 By finding and order issued October 8, 1998 and entry on rehearing issued December 9, 1998, the Commission, in a number of consolidated cases hereafter denoted as Case Nos. 95-845 *et al.*, previously approved the presubscription cost recovery tariffs and rates for the implementation of intraLATA dialing parity for most of the small and independent incumbent local exchange carriers (ILECs).

be denied because the application for rehearing addresses issues that were not decided in the finding and order and because the movants seek relief that is not appropriate in this case.

(4) Before the Commission has the authority to address the substantive arguments raised by the movants on rehearing, the Commission must determine that we have the jurisdiction to hear those arguments. The movants have argued that the Commission has the jurisdiction, pursuant to Section 4903.10, Revised Code, to consider the substantive arguments made on rehearing. In order to establish that the Commission has the jurisdiction to consider the substantive arguments made by AT&T/MCI on rehearing the Commission must find, pursuant to Section 4903.10, Revised Code, that:

(a) The applicant's failure to enter an appearance prior to the entry upon the journal of the commission of the order complained of was due to just cause; and,

(b) The interests of the applicant were not adequately considered in the proceeding.

At the outset, we note that we are disappointed that AT&T and MCI did not make their concerns regarding Ameritech's presubscription implementation costs not being recovered on a competitively neutral basis known to us sooner. Ameritech's tariff filing was initially made on December 12, 1996 and revised on November 7, 1997. Additionally, the Commission notes that, for most of the remaining incumbent local exchange carriers (ILECs) in Ohio, the Commission did rule on the applicability of those carriers' tariff language as well as their proposed cost recovery mechanism in consolidated Case Nos. 95-845-TP-COI *et al.* That ruling was issued on October 8, 1998, with an entry on rehearing being issued on December 9, 1998. Thus, the Commission is greatly concerned with the chronology of how these arguments have been put before us. In addition to their other arguments, however, The movants also rely heavily on the recent decision of the United States Supreme Court in *AT&T Corp. v. Iowa Utilities Bd.*, 119 S. Ct. 721 (1999), issued on January 25, 1999.

The second standard an entity must satisfy in order to justify being granted leave to intervene to file an application for rehearing under Section 4903.10, Revised Code, is that the interests of the applicant were not adequately considered in the proceeding. In support of their argument, the movants posit that the interests of AT&T and MCI, as interexchange carriers who will bear the brunt of the presubscription implementation charges, were not considered in the Commission's decision-making process. The Commission notes that, while we did not consider the interests of AT&T and MCI individually, we did consider the interests of interexchange carriers generally as the primary entities effected by the MOU cost recovery mechanism.

(5) Notwithstanding the concerns addressed above on the timing of the movants' application for rehearing, the Commission finds that AT&T/MCI should be granted leave to file an application for rehearing in this matter. AT&T and MCI have satisfied us that there is just cause presented to warrant granting the movants' intervention in order to protect their interests in this matter.

(6) Having determined that AT&T/MCI should be granted leave to intervene at this stage of this matter; it is now appropriate to address the movants' substantive arguments. Many of the arguments AT&T/MCI make in their application for rehearing were fully considered and addressed in consolidated Case Nos. 95-845-TP-COI involving most of the other incumbent local exchange carriers in Ohio. AT&T/MCI fully participated in those consolidated cases including seeking rehearing of the October 8, 1998 Finding and Order which was issued on December 9, 1998. Neither AT&T nor MCI have argued that Ameritech's tariff language approved in our January 14, 1999 Finding and Order, and which is the subject of this rehearing petition, varies in any appreciable respect from the tariff language we approved in consolidated Case Nos. 95-845-TP-COI *et al.* Those consolidated cases are currently on appeal to the Ohio Supreme Court in Case No. 99-0290 filed by AT&T on February 5, 1999. To the extent the Commission has already considered many of those arguments on rehearing and because movants have raised nothing new, other than the argument addressed below, the Commission finds that the movants application for rehearing should be denied.

(7) The remaining assignment of error by AT&T/MCI is that the Commission's January 14, 1999 Finding and Order in this matter is inconsistent with the FCC's determinations in 47 C.F.R. §51.215 and the Second Report and Order *In the Matters of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket 96-98, *et al.* Rehearing is denied on this assignment of error as well.

The reinstatement of 47 C.F.R. §51.215 by the United States Supreme Court does not change either this Commission's reasoning or its outcome. This Commission has acted in a manner consistent with the applicable FCC orders in establishing a competitively neutral cost recovery mechanism. We have repeatedly made that determination throughout the various orders in Case No. 95-845-TP-COI. The movants do not argue, nor can they, that this Commission has in any way, through this case, adopted, amended, or even applied local service guideline X.F. differently than was spelled out in our previous decisions in Case No. 95-845-TP-COI. Therefore, because we believe our intraLATA 1+ cost recovery mechanism is consistent with our past orders and with all applicable FCC rulings, the movants arguments on rehearing are denied.

(8) Having found that nothing in the movants application warrants rehearing, the application for rehearing filed by AT&T and MCI on February 16, 1999 is denied.

It is, therefore,

ORDERED, That the motion seeking leave to intervene in order to file an application for rehearing filed by AT&T Communications of Ohio, Inc. and MCI Telecommunications Corporation is granted as set forth herein. It is, further,

ORDERED, That the application for rehearing filed by AT&T Communications of Ohio, Inc. and MCI Telecommunications Corporation is denied as set forth herein. It is, further,

ORDERED, That this case should remain open until the intraLATA presubscription MOU cost recovery rate is effective. It is, further,

ORDERED, That a copy of this entry on rehearing be served upon AT&T Communications of Ohio, Inc., MCI Telecommunications Corporation, Ameritech Ohio, their respective counsel, and any other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Craig A. Glazer, Chairman

Jolynn Barry Butler

Ronda Hartman Fergus

Judith A. Jones

Donald L. Mason

JRJ/vrh

Entered in the Journal
MAR 18 1999

A True Copy

Gary E. Vigorito
Secretary

CERTIFICATE OF SERVICE

I, Margaret Brue, do hereby certify that on this 12th day of November, 1999, a copy of the foregoing "AT&T Corp. Petition For Expedited Declaratory Ruling" was filed by overnight mail to the parties listed below.

Jon F. Kelly
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Columbus, Ohio 43215

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Margaret Brue
Margaret Brue

November 12, 1999