



ACTION: Final

Public Utilities Commission

Mike DeWine, Governor
Jenifer French, Chair

DATE: 10/28/2022 11:04 AM

Commissioners
M. Beth Trombold
Lawrence K. Friedeman
Dennis P. Deters
Daniel R. Conway

PUCO RESPONSE MEMORANDUM

To: Michael Bender
Business Advocate
Ohio Lieutenant Governor's Common Sense Initiative Office

From: Angela Hawkins
Legal Director
Public Utilities Commission of Ohio

Date: September 23, 2022

Re: **PUCO Response for: Telephone Company Procedures and Standards (Ohio
Adm.Code 4901:1-6-21, 4901:1-6-25, and 4901:1-6-27)**

In Case No. 14-1554-TP-ORD, the Public Utilities Commission of Ohio (PUCO) opened a case docket for reviewing the rules in Ohio Adm.Code Chapter 4901:1-6. During the initial investigation, the PUCO conducted workshops and solicited comments from interested stakeholders. After five rounds of rehearing, the PUCO submitted the rules to the Joint Committee on Agency Rule Review (JCARR). Ultimately, the PUCO chose to withdraw several of the rules in this chapter from the JCARR's jurisdiction for further consideration while proceeding with the remaining rules in this package.

In July 2019, the PUCO again solicited further public comment on the withdrawn rules. Public comments were filed by AT&T Ohio, the Ohio Cable Telecommunications Association (OCTA), the Ohio Telecom Association (OTA), Advocates for Basic Legal Equality, Inc., the Legal Aid Society of Columbus, the Office of Consumers' Counsel, the Ohio Poverty Law Center, Pro Seniors, Inc., and Southeastern Ohio Legal Services (the latter six organizations collectively referred to by the PUCO as the "Consumer Groups"). Comments focused especially on the voice service withdrawal and 9-1-1 service access provisions in addition to provisions regarding reasonable and comparatively priced voice service, the Federal Communications Commission's urban floor rate, the one hundred and twenty-day time frame, and notices of withdrawal of service.

AT&T Ohio, the OCTA, and the OTA asserted that the PUCO exceeded the regulatory authority granted to the PUCO by subjecting voice service providers who withdraw service to the requirements of Ohio Adm.Code 4901:1-6-21. Alternatively, the Consumer Groups supported the inclusion of these provisions subjecting voice service providers to the rule,

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contending that the health and safety of consumers would be jeopardized if a provider abandons voice service that is the only access to 9-1-1 service for a consumer. Originally, the PUCO decided to not remove the provisions. However, prior to filing the rules with the JCARR, Substitute House Bill 430 of the 134th General Assembly was enacted to become effective on September 23, 2022. Consequently, by its Fourth Supplemental Finding and Order issued on August 10, 2022, the PUCO found the contentious provisions were now deemed moot by this legislation and no longer applicable. The PUCO then removed the provisions from the rule.

On September 22, 2022, the Common Sense Initiative (CSI) office replied to the PUCO, stating that the CSI had no recommendations on this revised rule package, and concluding that the PUCO should proceed with the formal filing of amended Ohio Adm.Code 4901:1-6-21, 4901:1-6-25, and 4901:1-6-27 with the JCARR. In light of the CSI's conclusion, the PUCO will proceed and file revised Ohio Adm.Code 4901:1-6-21, 4901:1-6-25, and 4901:1-6-27 with the JCARR.

cc: Sean McCullough, Director Common Sense Initiative Office
Jeff Jones, Senior Utility Attorney Examiner, Legal Department, PUCO