

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Numerous Applications of Ameritech Ohio for Approval of a Contract or Other Arrangement Between Ameritech Ohio and Various of its Customers:))))))	
Ameritech\Southdown Inc.	)	Case No. 96-389-TP-AEC
Ameritech\NewPar dba Cellular One	)	Case No. 96-390-TP-AEC
Ameritech\Kelly Services	)	Case No. 96-403-TP-AEC
Ameritech\Corrigan Moving	)	Case No. 96-442-TP-AEC
Ameritech\Corrigan Moving	)	Case No. 96-443-TP-AEC
Ameritech\D.O.C. Optical	)	Case No. 96-444-TP-AEC
Ameritech\Reynolds & Reynolds	)	Case No. 96-445-TP-AEC
Ameritech\LCI International	)	Case No. 96-446-TP-AEC
Ameritech\Libby-Owens-Ford Co.	)	Case No. 96-465-TP-AEC
Ameritech\Key Services Corp.	)	Case No. 96-555-TP-AEC
Ameritech\Mortgage Placement	)	Case No. 96-580-TP-AEC
Ameritech\Sears, Roebuck & Co.	)	Case No. 96-629-TP-AEC
Ameritech\Croghan Colonial Bank	)	Case No. 96-640-TP-AEC
Ameritech\Citizens Banking Co.	)	Case No. 96-653-TP-AEC
Ameritech\OCLC Online Computer Library	)	Case No. 96-661-TP-AEC
Ameritech\Chase Manhattan Mortgage	)	Case No. 96-704-TP-AEC
Ameritech\OfficeMax, Inc.	)	Case No. 96-705-TP-AEC
Ameritech\Sun TV	)	Case No. 96-738-TP-AEC
Ameritech\Dean Witter	)	Case No. 96-754-TP-AEC
Ameritech\Akron General Medical Center	)	Case No. 96-755-TP-AEC
Ameritech\Huntington National Bank	)	Case No. 96-778-TP-AEC
Ameritech\Mt. Carmel Health Systems	)	Case No. 96-826-TP-AEC
Ameritech\CompuServe, Inc.	)	Case No. 96-827-TP-AEC
Ameritech\Heritage Mutual Insurance Co.	)	Case No. 96-833-TP-AEC
Ameritech\Meridia Health Systems	)	Case No. 96-839-TP-AEC
Ameritech\North Canton Medical Clinic	)	Case No. 96-874-TP-AEC
Ameritech\TheOnRamp	)	Case No. 96-911-TP-AEC
Ameritech\Ohio Savings Bank	)	Case No. 96-915-TP-AEC
Ameritech\Stow-Glenn, Inc.	)	Case No. 96-939-TP-AEC
Ameritech\American Airlines	)	Case No. 96-954-TP-AEC
Ameritech\Revco D. S., Inc.	)	Case No. 96-955-TP-AEC
Ameritech\Salem Community Hospital	)	Case No. 96-956-TP-AEC
Ameritech\Altman Hospital	)	Case No. 96-994-TP-AEC
Ameritech\Sun TV	)	Case No. 96-995-TP-AEC
Ameritech\Cowen & Company	)	Case No. 96-1017-TP-AEC
Ameritech\Netwalk	)	Case No. 96-1039-TP-AEC
Ameritech\Gordon Food Service	)	Case No. 96-1042-TP-AEC

Ameritech\Bethesda Good Samaritan	)	Case No. 96-1043-TP-AEC
Ameritech\Motor Parts Federal Credit Union	)	Case No. 96-1044-TP-AEC
Ameritech\Village Green Co.	)	Case No. 96-1045-TP-AEC
Ameritech\Third Federal Savings and Loan	)	Case No. 96-1078-TP-AEC
Ameritech\Dayton Walther Corporation	)	Case No. 96-1092-TP-AEC
Ameritech\Laurelwood	)	Case No. 96-1101-TP-AEC
Ameritech\Sherwin Williams	)	Case No. 96-1109-TP-AEC
Ameritech\First American Title Insurance	)	Case No. 96-1110-TP-AEC
Ameritech\Mt. Carmel Health System	)	Case No. 96-1111-TP-AEC
Ameritech\Charter One Bank	)	Case No. 96-1112-TP-AEC
Ameritech\Metropolitan Savings Bank of Cleveland	)	Case No. 96-1141-TP-AEC
Ameritech\Cardinal Health, Inc.	)	Case No. 96-1155-TP-AEC
Ameritech\First National Bank	)	Case No. 96-1172-TP-AEC
Ameritech\Ursuline College	)	Case No. 96-1188-TP-AEC
Ameritech\The American Red Cross	)	Case No. 96-1210-TP-AEC
Ameritech\Limited Distribution Services, Inc.	)	Case No. 96-1251-TP-AEC
Ameritech\Office Depot Inc.	)	Case No. 96-1252-TP-AEC
Ameritech\Boston Market	)	Case No. 96-1274-TP-AEC
Ameritech\Alro Steel	)	Case No. 96-1293-TP-AEC
Ameritech\Citizens Banking Co.	)	Case No. 96-1296-TP-AEC
Ameritech\Cutler/Marting Realty	)	Case No. 96-1297-TP-AEC
Ameritech\Rapid Design Service	)	Case No. 96-1346-TP-AEC
Ameritech\Citizens Federal	)	Case No. 96-1347-TP-AEC
Ameritech\Federal Savings Bank	)	Case No. 96-1348-TP-AEC
Ameritech\Longaberger	)	Case No. 96-1368-TP-AEC
Ameritech\Airtouch Cellular	)	Case No. 96-1369-TP-AEC
Ameritech\Seaman Patrick Paper Company	)	Case No. 96-1388-TP-AEC
Ameritech\KinderCare Learning Center	)	Case No. 96-1389-TP-AEC
Ameritech\Venture Industries	)	Case No. 96-1390-TP-AEC
Ameritech\CompuServe Incorporated	)	Case No. 96-1408-TP-AEC
Ameritech\H.Q. Business	)	Case No. 96-1415-TP-AEC
Ameritech\BASF Corp.	)	Case No. 96-1416-TP-AEC
Ameritech\Electronic Data Systems Corp.	)	Case No. 97-21-TP-AEC
Ameritech\Big Bear Stores	)	Case No. 97-22-TP-AEC
Ameritech\Progressive Insurance Agency Inc.	)	Case No. 97-23-TP-AEC
Ameritech\City of Green	)	Case No. 97-24-TP-AEC
Ameritech\Southwest General Hospital	)	Case No. 97-29-TP-AEC
Ameritech\United Airlines	)	Case No. 97-55-TP-AEC
Ameritech\Grant/Riverside Methodist Hospitals	)	Case No. 97-90-TP-AEC
Ameritech\Timken Company	)	Case No. 97-91-TP-AEC
Ameritech\Lear Corporation	)	Case No. 97-98-TP-AEC
Ameritech\Lexis-Nexis	)	Case No. 97-133-TP-AEC
Ameritech\Servall Co.	)	Case No. 97-147-TP-AEC
Ameritech\Star Banc Services	)	Case No. 97-150-TP-AEC
Ameritech\Charter One Bank	)	Case No. 97-164-TP-AEC

Ameritech\Young's Environmental Cleanup Inc.	)	Case No. 97-191-TP-AEC
Ameritech\Aerotek	)	Case No. 97-192-TP-AEC
Ameritech\LTV Steel	)	Case No. 97-193-TP-AEC
Ameritech\CBC Companies (Columbus)	)	Case No. 97-271-TP-AEC
Ameritech\CBC Companies (N.W. Professional Plaza)	)	Case No. 97-272-TP-AEC
Ameritech\Key Services Corporation	)	Case No. 97-276-TP-AEC
Ameritech\Wickes Lumber	)	Case No. 97-277-TP-AEC
Ameritech\Wayne Industries	)	Case No. 97-309-TP-AEC
Ameritech\Applied Industrial	)	Case No. 97-319-TP-AEC
Ameritech\Timkin Company	)	Case No. 97-367-TP-AEC
Ameritech\Texlon Corp.	)	Case No. 97-372-TP-AEC
Ameritech\Grant Medical Center	)	Case No. 97-395-TP-AEC
Ameritech\Ohio Edison Company	)	Case No. 97-396-TP-AEC
Ameritech\Columbia Gas System Service Corp.	)	Case No. 97-400-TP-AEC
Ameritech\Avery International	)	Case No. 97-401-TP-AEC
Ameritech\Cassens Transport	)	Case No. 97-409-TP-AEC
Ameritech\Plain Dealer Publishing Co.	)	Case No. 97-444-TP-AEC
Ameritech\Grant/Riverside Methodist Hospitals	)	Case No. 97-464-TP-AEC
Ameritech\360 Communications	)	Case No. 97-465-TP-AEC
Ameritech\Summa Health Systems	)	Case No. 97-525-TP-AEC
Ameritech\Kinko's	)	Case No. 97-526-TP-AEC
Ameritech\National City Corp.	)	Case No. 97-530-TP-AEC
Ameritech\Sears, Roebuck & Co.	)	Case No. 97-557-TP-AEC
Ameritech\Banc One Services	)	Case No. 97-558-TP-AEC
Ameritech\General Electric Company	)	Case No. 97-559-TP-AEC
Ameritech\Toledo Hospital	)	Case No. 97-560-TP-AEC
Ameritech\Owens Corning	)	Case No. 97-561-TP-AEC
Ameritech\Exide Corporation	)	Case No. 97-565-TP-AEC
Ameritech\Exotic Rubber	)	Case No. 97-574-TP-AEC
Ameritech\Hills Department Store Company	)	Case No. 97-598-TP-AEC
Ameritech\Columbia Gas System	)	Case No. 97-599-TP-AEC
Ameritech\Siding World	)	Case No. 97-600-TP-AEC
Ameritech\CSM Industries	)	Case No. 97-610-TP-AEC
Ameritech\Cardinal Health	)	Case No. 97-620-TP-AEC
Ameritech\Forest City Auto Parts	)	Case No. 97-621-TP-AEC
Ameritech\Star Banc Services	)	Case No. 97-635-TP-AEC
Ameritech\Iwaynet Communication	)	Case No. 97-722-TP-AEC
Ameritech\Sterling Software	)	Case No. 97-758-TP-AEC
Ameritech\Parker Hannifin Corp.	)	Case No. 97-759-TP-AEC
Ameritech\Crawford Fitting	)	Case No. 97-768-TP-AEC
Ameritech\National City Corp.	)	Case No. 97-819-TP-AEC
Ameritech\Suarez Corp.	)	Case No. 97-874-TP-AEC
Ameritech\CBC Companies	)	Case No. 97-910-TP-AEC
Ameritech\OCLC	)	Case No. 97-911-TP-AEC

Ameritech\Hewlett Packard	)	Case No. 97-932-TP-AEC
Ameritech\Distribution Fulfill	)	Case No. 97-1060-TP-AEC
Ameritech\Chemical Abstracts	)	Case No. 97-1061-TP-AEC
Ameritech\Sherwin-Williams	)	Case No. 97-1062-TP-AEC
Ameritech\Sherwin-Williams	)	Case No. 97-1063-TP-AEC
Ameritech\Frank Z. Chevrolet	)	Case No. 97-1454-TP-AEC
Ameritech\Huntington Nat'l Bnk	)	Case No. 97-1492-TP-AEC
Ameritech\DLZ Corp.	)	Case No. 97-1662-TP-AEC
Ameritech\Bright.Net Brt.	)	Case No. 97-1663-TP-AEC
Ameritech\Erb Lumber	)	Case No. 97-1664-TP-AEC
Ameritech\American General Finance	)	Case No. 97-1665-TP-AEC
Ameritech\Lear Corporation	)	Case No. 97-1666-TP-AEC
Ameritech\MCA Mortgage Corp.	)	Case No. 97-1667-TP-AEC
Ameritech\Cowen and Company	)	Case No. 97-1685-TP-AEC
Ameritech\White Family Companies	)	Case No. 97-1686-TP-AEC
Ameritech\Economic Opportunity	)	Case No. 97-1687-TP-AEC
Ameritech\Caliber Technologies	)	Case No. 97-1688-TP-AEC
Ameritech\Aurora Foods	)	Case No. 97-1691-TP-AEC
Ameritech\Realty One	)	Case No. 97-1692-TP-AEC
Ameritech\Ohio Edison	)	Case No. 97-1699-TP-AEC
Ameritech\Reynolds & Reynolds	)	Case No. 97-1713-TP-AEC

SECOND ENTRY ON REHEARING

The Commission finds:

- (1) In an entry on rehearing issued on April 30, 1998, the Commission, inter alia, adopted a new policy, on a going forward basis, involving the filing of customer contracts pursuant to Section 4905.31, Revised Code, by incumbent local exchange carriers (ILECs) and new entrant carriers (NECs). Pursuant to this new contract filing policy, ILECs and NECs are permitted to redact information that identifies the customer's name, the names of any employees of the customer, the customer's business address, service location, and telephone number. The Commission also placed various other parameters around this new contract filing policy. In exchange for filing contracts in accordance with this new policy, the Commission relieved the ILECs and NECs from having to file an unredacted copy of the contract with the Commission's Docketing Division and filing a motion for protective order pursuant to Rule 4901-1-24, Ohio Administrative Code (O.A.C.).

- (2) Applications seeking rehearing of the April 30, 1998 entry on rehearing were filed by Ameritech Ohio and The Ohio Telecommunications Industry Association (OTIA). On June 11, 1998, AT&T Communications of Ohio, Inc. (AT&T) filed a motion for leave to intervene to file a memorandum contra and a memorandum contra Ameritech Ohio's application for rehearing.
- (3) Section 4903.10, Revised Code, states that any party who has entered an appearance in a proceeding may apply for rehearing with respect to any matters determined in said proceeding by filing an application within 30 days after the entry is recorded in the Commission's journal.
- (4) In its application for rehearing, Ameritech Ohio fully supports and intends to comply with the new contract policy set forth in the April 30, 1998 entry on rehearing.¹ Ameritech Ohio submits, in its pending rehearing application, that the Commission unreasonably limited this procedure to contracts filed by ILECs and NECs. Ameritech Ohio asserts that customer contracts filed by interexchange carriers (IXCs) will be subject to the same anti-competitive concerns previously raised by the Commission in this proceeding. Moreover, Ameritech Ohio maintains that the Commission erred in not prohibiting the IXCs from inserting restrictions in their contracts that foreclose the customer from disclosing contract terms and conditions to another entity.
- (5) The OTIA filed both a motion for leave to file an application for rehearing *instanter* as well as an application for rehearing. In support of its motion for leave to file an application for rehearing *instanter*, the OTIA avers that its failure to enter an appearance in this matter earlier was due to just cause because the OTIA's members had no reason to believe that this case involved issues of general interest to all of its members. Additionally, the OTIA posits that because it neither appeared nor provided comment concerning the new policy adopted in the April 30, 1998 rehearing entry, its members interests were not adequately considered in this proceeding.

In its application for rehearing, the OTIA, while not addressing the merits of the new policy, argues that the manner in which the new policy was developed is part of an

¹ Ameritech Ohio noted that it was not taking a position on the procedure by which the Commission adopted this new policy nor was the company joining in the OTIA's application for rehearing.

“unfortunate procedural trend.” OTIA application for rehearing at 1. The Commission erred, the OTIA maintains, because at no time prior to the April 30, 1998 entry on rehearing did the Commission announce or circulate for comment this new policy. Likewise, the OTIA posits, at no time did the Commission convene a hearing or invite intervention by affected carriers. Instead, the OTIA asserts, the Commission effectively modified Rule 4901-1-24, O.A.C., on its own motion. For the foregoing reasons, the OTIA prays that the Commission grant rehearing and reconsider the policy announced in the April 30, 1998 rehearing entry only after notice and an opportunity to be heard is afforded all affected carriers.

- (6) AT&T argues that the Commission should reject Ameritech Ohio’s application for rehearing based on the arguments set forth in the OTIA’s application for rehearing. Further, AT&T states that it supports the basic premise of the OTIA’s application.
- (7) There appears to be some confusion with respect to the contract policy we adopted in our April 30, 1998 entry on rehearing. In that entry, we adopted an alternative proposal made by Ameritech Ohio regarding the redaction of certain information in customer contracts. Specifically, we concluded, as a matter of policy, that it was not necessary that local telephone companies include in filed customer contracts information which identifies the customer’s name, the names of any employees of the customer, and the customer’s business address, service location, and telephone number.

Although the OTIA and AT&T do not appear to oppose this option, the OTIA and AT&T are concerned that the Commission effectively modified Rule 4901-1-24, O.A.C., without any opportunity for affected carriers to be heard. The Commission wishes to make clear that we did not modify Rule 4901-1-24, O.A.C. Rather, we have identified an alternative contract filing procedure which we believe satisfies the interests of local telephone companies with respect to sensitive customer information, as well as the Commission’s interests in insuring disclosure of contract rates, terms, and conditions for resale purposes. The OTIA members and AT&T can still choose to file unredacted contracts or choose to file redacted contracts along with motions for protective treatment pursuant to Rule 4901-1-24, O.A.C. Inasmuch as the decision as to which procedure to use rests solely with the

local telephone company, and not with the Commission, we find the OTIA's application for rehearing and AT&T's memorandum contra moot.

As for Ameritech Ohio's application for rehearing, we note, consistent with the above discussion, that IXCs and competitive telecommunication service (CTS) providers may, at their option, also avail themselves of this alternative contract filing procedure. We note, however, that the issue which Ameritech Ohio raises relative to disclosure restrictions in IXC and CTS contracts is more appropriately addressed in the context of IXC and CTS contract cases.

It is, therefore,

ORDERED, That the contract filing policy first adopted in the April 30, 1998 entry on rehearing is clarified in accordance with this entry on rehearing. It is, further,

ORDERED, That the OTIA's motion for leave to file an application for rehearing *instanter* and its application for rehearing, Ameritech Ohio's application for rehearing, and AT&T's memorandum contra Ameritech Ohio's application for rehearing are moot based upon the clarification set forth above. It is, further,

ORDERED, That these cases are closed of record. It is, further,

ORDERED, That copies of this entry on rehearing be served upon Ameritech, all other incumbent local exchange carriers, all new entrant carriers, all IXCs and CTS providers, the Ohio Telecommunications Industry Association, and all other 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