

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petitions of Numerous)
Subscribers of the Elyria Exchange of ALLTEL)
Ohio, Inc., and Numerous Subscribers of)
the North Eaton Exchange of GTE North)
Incorporated,)

Complainants,)

v.)

Case No. 94-1567-TP-PEX

Case No. 95-63-TP-PEX

ALLTEL Ohio, Inc., Ameritech Ohio, The)
Western Reserve Telephone Company, and)
GTE North Incorporated,)

Respondents,)

Relative to a Request for Extended Area)
Service Between the Elyria Exchange of)
ALLTEL Ohio, Inc., and the North Eaton)
Exchange of GTE North Incorporated, on the)
One Hand, and the Cleveland, Trinity,)
Olmsted Falls, Berea, Strongsville, Victory,)
North Royalton, Independence, Brecksville,)
Montrose, Bedford, Wickliffe, Hillcrest,)
Gates Mills, Terrace, and Chagrin Falls)
Exchanges of Ameritech Ohio, and the Rich-)
field, Northfield, Twinsburg, Bainbridge, and)
Aurora Exchanges of The Western Reserve)
Telephone Company, on the Other Hand.)

ENTRY

The Commission finds:

- (1) On September 29, 1994, Gail Minnick, Pauline Hatton, and numerous subscribers of the Elyria Exchange of ALLTEL Ohio, Inc. (ALLTEL), filed a petition with the Commission seeking the institution of two-way, nonoptional, flat-rate extended area service (EAS) between the Elyria Exchange of ALLTEL, on the one hand, and the Cleveland, Trinity, Olmsted Falls, Berea, Strongsville, Victory, North Royalton, Independence, Brecksville, Montrose, Bedford, Wickliffe, Hillcrest, Gates Mills, Terrace, and Chagrin Falls exchanges of Ameritech

Ohio (Ameritech), and the Richfield, Northfield, Twinsburg, Bainbridge, and Aurora exchanges of The Western Reserve Telephone Company (Western Reserve), on the other hand. The petition was docketed as Case No. 94-1567-TP-PEX (94-1567).

On January 17, 1995, the city of North Ridgeville, Judith Pelgar, Terressa Hollingsworth, and numerous other subscribers of the North Eaton Exchange of GTE North Incorporated (GTE) filed a petition with the Commission seeking the institution of two-way, nonoptional, flat-rate EAS between the North Eaton Exchange of GTE and the same 21 exchanges listed above. This petition was docketed as Case No. 95-63-TP-PEX (95-63). Along with the petition in 95-63, the subscribers filed a motion to consolidate 95-63 with 94-1567.

- (2) By entry dated February 10, 1995, the attorney examiner granted the motion to consolidate the two cases.
- (3) On October 11, 1996, Ms. Minnick, the city of North Ridgeville (city), Ridgefield Homes, Inc. (Ridgefield), ALLTEL, and Western Reserve (jointly referred to as the ALLTEL companies) filed a Stipulation and Recommendation (stipulation) that would resolve the issues in 94-1567. The stipulation recommended that: (1) one-way, nonoptional measured-rate (to the extent measured-rate does not already exist)¹ and one-way, optional, flat-rate EAS be granted from the Elyria Exchange and to the Cleveland, Trinity, Olmsted Falls, Berea, Strongsville, Victory, North Royalton, Independence, Brecksville, Montrose, Bedford, Wickliffe, Hillcrest, Gates Mills, Terrace, Chagrin Falls, and Willoughby exchanges (referred to collectively as the Ameritech exchanges); and (2) one-way, optional, flat-rate EAS be granted from the Elyria Exchange and to the Amherst, Avon, Avon Lake, Birmingham, Lorain, and Vermilion exchanges of the Century Telephone Company. Ameritech opposed the stipulation and presented its Area Wide Calling Plan for the Commission's consideration. Ms. Minnick, the city, and

¹ Two-way, nonoptional measured-rate EAS already exists between the Elyria Exchange and the Cleveland, Trinity, Olmsted Falls, and Berea exchanges. *Subscribers v. The Elyria Telephone Company, et al.*, Case No. 89-1071-TP-PEX, Second Supp. Opinion and Order (April 30, 1992). Also as a result of the same decision, two-way, nonoptional measured-rate EAS was instituted between the North Eaton Exchange and the Cleveland, Trinity, Olmstead Falls, and Berea exchanges.

Ridgefield supported the stipulation and urged the Commission to order GTE to institute the same service from the North Eaton Exchange to the various Ameritech exchanges.

- (4) On January 9, 1997, the Commission issued an Opinion and Order in these cases. The Commission adopted the stipulation on a pilot basis, stating that the evidence, taken as a whole, supports a finding that the subscribers made a sufficient showing to demonstrate the existence of a community of interest between the Elyria Exchange and the Ameritech exchanges. The Commission directed ALLTEL to provide data regarding customer acceptance of the flat-rate service option and calling increases. The Commission rejected all of Ameritech's arguments against the stipulation. Additionally, the Commission determined that one-way, nonoptional, measured-rate EAS and one-way, optional, flat-rate EAS should be instituted from the North Eaton Exchange to the Ameritech exchanges. The Commission directed GTE to develop and file for approval a calling plan similar to ALLTEL's plan within 60 days.
- (5) On March 6, 1997, the Commission issued an Entry on Rehearing in these cases, denying Ameritech's application for rehearing and granting in part and denying in part the applications for rehearing filed by Ms. Minnick, the city, and Ridgefield. In making the rulings upon the applications for rehearing, the Commission modified its January 9, 1997 Opinion and Order to require Ameritech to institute one-way, nonoptional, measured-rate EAS from the North Royalton and Strongsville exchanges to the Elyria Exchange and to order that similar EAS from the North Royalton and Strongsville exchanges to the North Eaton Exchange was appropriate.
- (6) On April 7 and 8, 1997, Ms. Minnick and Ms. Hollingsworth, the city,² and Ridgefield all filed what each purports to be an application for rehearing of the Commission's March 6, 1997 Entry on Rehearing. Ameritech filed, on April 11 and 16, 1997, memoranda contra the requests.

² The city only filed its request in the 95-63, but its argues that the Commission should have ordered Ameritech to institute one-way, nonoptional, measured-rate EAS from the Victory exchange to the city of North Ridgeville, which is located in both the Elyria and North Eaton exchanges.

- (7) Ms. Minnick, Ms. Hollingsworth, the city, and Ridgefield allege that the Commission should have ordered Ameritech to institute one-way, nonoptional, measured-rate EAS from the Victory Exchange to the Elyria and North Eaton exchanges. Ms. Minnick, Ms. Hollingsworth, the city, and Ridgefield do not contest those matters which the Commission changed in its March 6, 1997 Entry on Rehearing relating to the Commission's EAS determinations contained in its January 9, 1997 Opinion and Order. Rather, all request EAS that the Commission dealt with and rejected in reaching its January 9, 1997 Opinion and Order and reaffirmed in its March 6, 1997 Entry on Rehearing. Thus, the three applications are improper as applications for rehearing.
- (8) However, the Commission has realized, in reviewing the instant requests, that we inadvertently omitted the Victory Exchange from our March 6, 1997 determinations. Thus, our March 6, 1997 Entry on Rehearing contains a mistake that must be corrected. In our March 6, 1997 Entry on Rehearing, we modified our January 9, 1997 Opinion and Order to require Ameritech to institute one-way, nonoptional, measured-rate EAS from the North Royalton and Strongsville exchanges to the Elyria Exchange and to order that similar EAS from the North Royalton and Strongsville exchanges to the North Eaton Exchange is appropriate. We should have modified our January 9, 1997 Opinion and Order to require Ameritech to institute one-way, nonoptional, measured-rate EAS from the North Royalton, Strongsville, and Victory exchanges to the Elyria Exchange and to order that similar EAS from the North Royalton, Strongsville, and Victory exchanges to the North Eaton Exchange is appropriate. Upon our own motion, we modify our March 6, 1997 Entry on Rehearing to correct our oversight.

It is, therefore,

ORDERED, That the filings by Ms. Minnick, Ms. Hollingsworth, the city, and Ridgefield of April 7 and 8, 1997, are dismissed. It is, further,

ORDERED, That the Commission's March 6, 1997 Entry on Rehearing is hereby modified, *nunc pro tunc*, to require Ameritech to institute one-way, nonoptional, measured-rate EAS from the North Royalton, Strongsville, and Victory exchanges to the Elyria Exchange and to order that similar EAS from the North Royalton,

Strongsville, and Victory exchanges to the North Eaton Exchange is appropriate. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

Craig A. Glazer, Chairman

Jolynn Barry Butler

Ronda Hartman Fergus

David W. Johnson

Judith A. Jones

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