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Bill Analysis
Legislative Service Commission

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(As Introduced)

Sen. Ray

BILL SUMMARY

- Under the law that provides for alternative regulation of telephone companies by the Public Utilities Commission (PUCO), increases the list of services that are not public telecommunications service, and thus are not subject to PUCO's jurisdiction.
- Creates a new optional regulation plan for any local exchange carrier.
- Provides that under optional regulation, rates, terms, and conditions for an electing carrier's public telecommunications service are those in effect on the filing date of the election.
- Exempts an electing carrier from certain PUCO rate requirements, PUCO rules and orders, certain accounting practices, and packaging of service requirements as long as the carrier implements an advanced services infrastructure that reaches 60% of its customers and offers an enhanced lifeline service plan for eligible customers.
- Under optional regulation, limits rates for primary basic local exchange service for two years, imposes price limitations after that time if there is no facilities-based competition, but requires no rate regulation if facilities-based competition exists.
- Under certain conditions, expands to statewide the service area of local exchange carriers that are authorized to provide public telecommunications services.
- Makes it optional for telephone companies to file schedules for certain telecommunication services.

- Permits a telephone company to offer, close, package, or expand certain telecommunication services without PUCO approval.
- Continues PUCO authority to regulate telephone companies and their officers, agents, and employees under specific existing laws.
- Requires that PUCO regulation of wholesale public telecommunication services be in accordance with Federal Communications Commission rules and policies.
- Prohibits the PUCO from regulating retail coin-operated telephone rates.
- Requires the PUCO to adopt rules for the use of customer proprietary information.
- Creates a procedure whereby the PUCO may issue a protective order to prohibit or limit disclosure of trade secret or other confidential information.
- Requires that the PUCO study the need for an intrastate universal service fund.

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CONTENT AND OPERATION

PUCO alternative regulation for certain telecommunication services

Current law

(secs. 4927.01 to 4927.04)

Continuing law authorizes the Public Utilities Commission (PUCO), under certain conditions, to exempt from regulation, or establish alternative regulatory requirements for, a telephone company, as to any "public telecommunications service," except "basic local exchange service" (sec. 4927.03). For basic local exchange service or any public telecommunications service the PUCO has not exempted from regulation or for which alternative regulatory requirements have not been established, continuing law authorizes the PUCO, under certain conditions, to establish, increase, reduce, modify, or amend any rate, toll, classification, charge, or rental by a method other than the standard rate-base, rate-of-return method (sec. 4927.04).

Under current law, "public telecommunications service" is the transmission by a telephone company, by electromagnetic or other means, of signs, signals, writings, images, sounds, messages, or data originating and terminating in Ohio regardless of actual call routing, but does *not* include: (1) a system, including its construction, maintenance, or operation, for the provision of telecommunications service, or any portion of such service, by any entity for the sole and exclusive use of that entity, its parent, a subsidiary, or an affiliated entity, and not for resale, directly or indirectly, (2) the provision of terminal equipment used to originate or terminate telecommunications service, (3) broadcast transmission by radio, television, or satellite broadcast stations regulated by the federal government,

(4) or cable television service.¹ "Basic local exchange service" means the end user and carrier access to and usage of telephone company-provided facilities that enable customers, over a local exchange telephone company network operated within a local service area (where the customer may complete a call without paying long distance toll charges), to originate or receive voice grade, data, or image communications and to access interexchange or other networks. (Sec. 4927.01.)

The alternative regulation law also established that it is state policy under that law to ensure the availability of adequate basic local exchange service to Ohio citizens, maintain reasonable rates and charges for public telecommunications service, encourage telecommunications innovation, promote diversity and options in the supply of public telecommunications services and equipment, and recognize the continuing emergence of a competitive telecommunications environment through flexible regulatory treatment of public telecommunications services. (Sec. 4927.02.)

Changes made by the bill

(secs. 4927.01 and 4927.02)

The bill continues the existing alternative regulation of telephone companies, but expands the list of services that are *not* public telecommunications services, modifies the definition of basic local exchange service, and adds various state interests to the state policy and applies it not only to the alternative regulation law, but also to a new optional regulation plan established by the bill (see "**Optional regulation for electing local exchange carriers,**" below).

Under the bill, a "public telecommunications service" includes not only transmission by a telephone company of signs, signals, writings, images, sounds, messages, or data, but also switching of those items. The bill also adds to the list of services that are *not* a public telecommunications service (thereby removing them from PUCO regulation) the following:

(1) Advanced services, which are wireline telecommunications services, such as ADSL, IDSL, xDSL (three types of digital subscriber lines), frame relay, cell relay, or other comparable services that rely on packet technology and have the capability of supporting transmission speeds of at least 56 kilobits per second in both directions, but does not include: data services that are not primarily based

¹ Under continuing law, a telephone company is any person engaged in the business of transmitting telephonic messages to, from, through, or in Ohio and as such is a common carrier, and that is a public utility under the public utility law.

on packet technology, such as ISDN; x.25-based and x.75-based packet technologies (protocols or sets of standards to interface telecommunication systems); and circuit switched services, such as circuit switched voice grade service, regardless of the technology, protocol, or speed used for the transmission of those services.

- (2) The provision or publication of classified directory advertising;
- (3) The installation, maintenance, or repair of customer premises wiring;
- (4) Voice mail or telephone answering services;

(5) Billing and collection services provided by a telephone company to other entities on a commercial basis. (Sec. 4927.01(A)(11).)

The definition of "basic local exchange service" is amended to apply to access and usage of local exchange carrier-provided facilities and its circuit switched network. A "local exchange carrier" is a telephone company that provides telephone exchange service or exchange access,² but excludes a person insofar as that person is engaged in the business of providing commercial mobile service under the federal Telecommunications Act of 1996's provision regarding regulatory treatment of mobile services, except to the extent that the Federal Communications Commission (FCC) finds under federal law that such a person is a local exchange carrier. (Sec. 4927.01(A)(2) and (8).)

The bill revises state policy regarding alternative regulation of telecommunications by providing that the policy is to not only encourage innovation, but to encourage investment in the industry. Additionally, ensuring the availability of adequate basic local exchange service is to be accomplished by allowing and encouraging competition to determine the availability, prices, terms, and other conditions of providing public telecommunications services. The bill expands the policy of maintaining reasonable rates and charges by providing that the policy is to modify outdated regulation and eliminate unnecessary regulation to allow competition to maintain just and reasonable rates and charges. Diversity in supply of public telecommunications services and equipment is to be made through the implementation of full and fair competition in the provision of all such services, enabling consumers to choose public telecommunications services and telephone companies in a competitive market, as authorized by the federal Telecommunications Act of 1996.

² Under the bill, "exchange access" means the offering of access to a local exchange carrier's telephone exchange services or facilities for the purpose of originating or terminating calls that do not both originate and terminate within a local service area.

The bill adds two new policy statements: (1) to provide a transition from traditional regulation to a competitive market for public telecommunications services by providing investment incentives through rational economic pricing of those services, and (2) to ensure adequate protection to consumers of those services during that transition. (Sec. 4927.02.)

The bill also applies this expanded state policy to the new optional regulation plan discussed immediately below. (Sec. 4927.02.)

The bill provides that any terms used but not defined in Chapter 4729., which under the bill contains the existing alternative regulation law and the new optional regulation plan, have the same meanings as in the federal Telecommunications Act of 1996. (Sec. 4927.01(B).)

Optional regulation for electing local exchange carriers

Filing an election for optional regulation

(sec. 4927.10(A))

The bill establishes a new, optional regulation plan for local exchange carriers that elect such regulation (an "electing carrier"). A local exchange carrier, including a local exchange carrier operating under an exemption, the alternative regulation law, or an alternative method of establishing rates and charges authorized under the alternative regulation law, and including a local exchange carrier operating under the plan of alternative regulation enacted by Section 3 of Sub. S.B. 306 of the 121st General Assembly (see **COMMENT 1**), may file with the PUCO a notice of election for the authority to operate under an optional regulation plan. An election does not invoke the provisions of the alternative regulation law and is *not* subject to PUCO approval. An election cannot be for less than five years.

The effects of optional regulation

(sec. 4927.10(B))

The bill provides that on the filing date of a notice of election for optional regulation and for the duration of the election under that filing, all of the following apply:

(1) Notwithstanding any express or implied limitation contained in an exemption, the alternative regulation law, or an alternative method of establishing rates and charges authorized under the alternative regulation law, in any related document, or in the plan of alternative regulation described in S.B. 306 or any

related document, the electing carrier's election, as filed, has the effect of superseding the existing regulation by Ohio of the rates, terms, and conditions of the carrier's public telecommunications services, and replacing that regulation with the optional regulation authorized by the bill.

(2) The rates, terms, and conditions for the public telecommunications services of the electing carrier that are in effect on the date of the filing, whether specified in the carrier's schedules of rates and charges for service filed with the PUCO under existing law, in end-user contracts, or otherwise, are deemed just and reasonable and thereafter shall be regulated by Ohio only to the extent provided under the bill's optional regulation provisions.

(3) The electing carrier's earnings are not subject to regulation under Title 49, the public utility law, for any purpose, including, but not limited to, rate of return regulation, or rate base or earnings monitoring or reporting.

(4) The electing carrier may continue to follow the uniform system of accounts, or may determine and account for its investments, revenues, and expenses, including depreciation expenses, in accordance with generally accepted accounting principles. If the electing carrier chooses the latter, the PUCO's jurisdiction over the electing carrier's accounting practices are limited to ensuring that those practices are not inconsistent with generally accepted accounting principles.

(5) The electing carrier is not subject to any PUCO rule or order requiring a separate subsidiary for any purpose. Further, if required by federal law to establish a separate subsidiary to provide any service, the electing carrier is not subject to any PUCO rule or order that would impose any additional requirement relating to the carrier's relationship with the subsidiary.

(6) The electing carrier may package any of its services with any other service it or any other entity offers, with or without a discount, provided that "primary basic local exchange service" (see **COMMENT 2** for the definition) may be purchased separately at rates established under optional regulation, and customers are informed, through reasonable means, that such service may be purchased separately. The electing carrier may close any such package to new customers. It also may wholly withdraw any such package after providing written notice to each affected customer at least 30 days in advance.

(7) The electing carrier may offer to any customer basic local exchange service, any other public telecommunications service, or any combination of those services, pursuant to the terms and conditions of a contract entered into by the electing carrier and the customer. Such a contract may include services not regulated by the PUCO.

(8) Unless the PUCO determines that sufficient competition exists within a specific geographic area to deregulate the intrastate switched access service rates in effect within that area, the maximum rates for the electing carrier's intrastate switched access service must be equal to its intrastate switched access rates in effect on the filing date of the notice of election.³

Duties of an electing carrier

(secs. 4927.10(C))

A local exchange carrier that makes the election to operate under optional regulation, either itself or through an affiliate, must do both of the following:

(1) Implement an advanced services infrastructure ("advanced services" is defined in "**Changes made by the bill,**" above) that reaches 60% of the carrier's customers in Ohio within four years after the filing date of the notice of election;

(2) Offer an enhanced lifeline service plan within three months of that filing date and for the duration of the carrier's election. The plan must be a plan for reduced rates for telephone service for eligible customers that meets or exceeds the benefits available under any plan of alternative regulation approved by the PUCO and offered on the bill's effective date.

Rate and charges for primary basic local exchange service for the first two years of optional regulation

(sec. 4927.11)

Under the bill, for the duration of a two-year period beginning on the filing date of a notice of election, the maximum rates and charges for the electing carrier's primary basic local exchange service must be the rates and charges of that carrier that are in effect on the filing date and are set forth in the carrier's schedule of rates and charges for service filed with the PUCO under existing law. The electing carrier must file a schedule under that law setting forth the maximum rates and charges for the service, and its actual rates and charges cannot exceed the maximum rates and charges set forth on the schedule. During the two-year period, the electing carrier at any time may decrease such rates and charges for its primary basic local exchange service by filing a revised schedule with the PUCO.

³ "Switched access service" is defined in the bill as a component of exchange access under which, through an end office switch, communications are provided between a customer's premises and an interexchange carrier's point of interconnection with a local exchange carrier's network for the origination or termination of end-user calls that do not both originate and terminate within a local service area.

Subsequent to a rate or charge decrease, the electing carrier may increase the rates and charges for its primary basic local exchange service by filing a revised schedule with the PUCO, provided that the increased rates and charges do not exceed the maximum rates and charges established on the filing date of the notice of election.

During the two-year period, the electing carrier may charge different rates or charges for primary basic local exchange service within any portion of its local service area, provided any such different rates or charges do not exceed the maximum rates or charges, or any schedule filed for an increase or a decrease during the two-year period, as applicable, and provided any such different rates or charges for *residential* primary basic local exchange service in any area do not exceed the rates and charges for *nonresidential* primary basic local exchange service within the same area in which the carrier provides those services.

Rates and charges for primary basic local exchange service after year two of optional regulation, if there is no facilities-based competition

(sec. 4927.12(A))

Once the two-year period expires, (1) through (5) listed below, apply to the rates and charges for *nonresidential* primary basic local exchange service *and residential primary basic local exchange service* in a particular wire center of the electing carrier for as long as nonresidential or residential basic local exchange service in the wire center is not subject to "facilities-based competition," which is the offering or provision of such service to one or more end user customers in the wire center of an "incumbent local exchange carrier" by a local exchange carrier, other than by resale pursuant to the federal Telecommunications Act of 1996:⁴

(1) The maximum rates and charges for that service of the electing carrier in the wire center must be the maximum rates and charges of the carrier that are set forth in the carrier's schedule filed and in effect at the time the notice of election was filed, or any schedule filed for an increase or a decrease during the two-year period after the notice of election, and that are in effect on the expiration date of the two-year period, increased by 5%. The electing carrier must file a schedule of rates and charges for service under existing law, setting forth the maximum rates and charges for the service and its actual rates and charges for the service, which

⁴ Under the bill, an incumbent local exchange carrier is defined in federal law as the local exchange carrier that on February 8, 1996, provided telephone exchange service in the area and was deemed to be a member of the Exchange Carrier Association under FCC regulations or is an entity that on or after that date became a successor or assign of such a member.

actual rates and charges cannot exceed the filed schedule of maximum rates and charges.

(2) On each annual anniversary following the expiration date of the two-year period, the maximum rates and charges in (1) must be increased by 5%. The electing carrier is required to file a schedule, setting forth the increased maximum rates and charges and its actual rates and charges for the service.

(3) The electing carrier may decrease its actual rates and charges for the service in the wire center by filing with the PUCO a revised schedule setting forth the maximum rates and charges for the service as authorized by (1) or (2) and the decreased actual rates and charges for the service.

(4) Subsequent to any decrease, the electing carrier may increase its actual rates and charges for the service in the wire center by filing with the PUCO a revised schedule setting forth the maximum rates and charges for the service as authorized by (1) or (2) and the increased actual rates and charges for the service, provided that the increased rates and charges do not exceed the maximum rates and charges set forth in the schedule filed under (1) or (2).

(5) The electing carrier may charge different actual rates and charges for the service within any portion of its local service area, provided any such different rates or charges do not exceed the rates or charges set forth in the schedule filed and in effect under (1), (2), (3), or (4), as applicable, and provided any such different actual rates or charges for *residential* primary basic local exchange service do not exceed the actual rates and charges for *nonresidential* primary basic local exchange service set forth in those schedules within any area in which the carrier provides those services.

Rates and charges if an electing carrier is subject to facilities-based competition

(secs. 4927.12(B) and (C) and 4927.14)

On and after the expiration of the two-year period, and once the *nonresidential* basic local exchange service in a particular wire center of the electing carrier is subject to facilities-based competition, the rates and charges of the electing carrier for nonresidential primary basic local exchange service in the wire center are not required to, but may be filed with, the PUCO, and are *not* subject to regulation by Ohio, nor may the PUCO require that such a schedule be filed.

Likewise, on and after the expiration of the two-year period, and once the *residential* basic local exchange service in an electing carrier's particular wire

center is subject to facilities-based competition, the rates and charges of the electing carrier for residential primary basic local exchange service in the wire center are not required to, but may be filed with, the PUCO, and are *not* subject to regulation by this state, except that the rates and charges for residential primary basic local exchange service cannot exceed at any time the rates and charges for *nonresidential* primary basic local exchange service. Nothing in the public utility law authorizes the PUCO to require that a schedule of rates and charges be filed with it.

The PUCO must determine, within two years after the bill's effective date and thereafter on a quarterly basis, whether there is facilities-based competition between two or more local exchange carriers for nonresidential and residential basic local exchange service in each wire center of an electing carrier. For those purposes, each facilities-based local exchange carrier must notify the PUCO, in a format prescribed by it, of the wire centers in which it offers or provides facilities-based basic local exchange service to residential customers or nonresidential customers, or both. Once the PUCO has determined that there is facilities-based competition in a wire center, further notification by the facilities-based local exchange carriers as to that wire center is not required.

Effect on rates and charges for compliance with optional regulation provisions

(sec. 4927.13)

Provided that an electing carrier is in compliance with the bill's optional regulation provisions dealing with rates and charges (secs. 4927.11 and 4927.12), rates and charges established thereunder are deemed just and reasonable and take effect without PUCO approval. In an attestation filed with the PUCO not later than each annual anniversary of the date the notice of election was filed, a senior officer of the electing carrier must verify the carrier's compliance with those two provisions and that the electing carrier:

(1) May have offered to any customer basic local exchange service, any other public telecommunications service, or any combination of those services, pursuant to the terms and conditions of a contract entered into by the electing carrier and the customer.

(2) Implemented an advanced services infrastructure that reaches 60% of the carrier's Ohio customers within four years after the filing date of the notice of election.

(3) Offered an enhanced lifeline service plan within three months of that filing date and for the duration of the carrier's election.

Compliance with the bill's rate and charge provisions is subject to review by the PUCO upon its own initiative, or upon complaint pursuant to existing law that permits the filing of complaints as to the unreasonableness or discriminatory nature of a public utility's rates, charges, or services (sec. 4905.26). The rates and charges established under those provisions are not otherwise subject to such review.

An electing carrier that implements any rate increase or decrease authorized under the bill's optional regulation provisions must provide its affected customers prior notice of the increase or decrease.

Authorization to provide public telecommunications services anywhere in Ohio

(sec. 4927.21)

A local exchange carrier authorized to provide public telecommunications services in Ohio need not seek additional authority from the PUCO to provide such services at any location in this state, provided the carrier is not the subject of an outstanding finding of inadequate service by the PUCO under existing law.

New laws applicable to telephone companies in general

Permissive filing schedules of rates and charges

(sec. 4927.14)

The bill enacts new provisions that are applicable to telephone companies in general. Any telephone company, at its option, may file a schedule with the PUCO in accordance with existing law setting forth rates, charges, terms, or conditions for any public telecommunications service other than primary basic local exchange service, or for primary basic local exchange service that is subject to facilities-based competition. Nothing in the public utilities law (Title 49) authorizes the PUCO to require that such a schedule be filed.

Any rate or charge for any public telecommunications service other than primary basic local exchange service, or for primary basic local exchange service that is subject to facilities-based competition, may be changed at any time by the telephone company providing the service after reasonable notice to affected customers. The revised rate or charge is effective upon the company's filing of a notice of the change with the PUCO or upon the filing of a revised schedule with the PUCO under existing law. The rate or charge for the service may be different in the various areas served by the company.

Offering, closing, packaging, or expanding certain telecommunication services to customers

(sec. 4927.20)

A telephone company may close to new customers or wholly withdraw any public telecommunications service other than primary basic local exchange service, or may so close or withdraw for residential or nonresidential customers primary basic local exchange service that is subject to facilities-based competition, without approval of the PUCO and, in the case of a withdrawal of service, only after providing written notice to each affected customer at least 30 days in advance.

A telephone company may package any public telecommunications service other than primary basic local exchange service, or may package primary basic local exchange service that is subject to facilities-based competition, with any other service, regardless of whether the services are regulated by the PUCO. A telephone company may offer any such service that it is not currently offering, or may offer any public telecommunications service never before offered in Ohio, by providing notice to the PUCO of its intent to offer the service.

The bill's effect on PUCO's authority to regulate telephone companies and their officers, agents, and employees

(sec. 4927.30)

The bill provides that except as otherwise provided in the alternative regulation law or optional regulation provisions (Chapter 4927.), nothing in it affects the PUCO's authority with respect to a telephone company, or any officer, agent, or employee of the company, under its existing authority to hold hearings and fix rates and its general powers, including, but not limited to, the PUCO's authority to order repairs and improvements in telephone service, and its authority with respect to an electing carrier or any officer, agent, or employee of an electing carrier to file actions to recover forfeitures and regulate companies formed to transact business under the public utilities law; to enforce the law regarding the use of equipment on streets by other public utilities; liability for acts of an agent; charges for attachments to pole or conduit use of equipment; and duties of an electing carrier under the optional regulation law.

Regulation of wholesale public telecommunications services

(sec. 4927.22)

Under the bill, the PUCO may regulate "wholesale public telecommunications services" only in accordance with rules and policies adopted by the FCC. The bill defines "wholesale public telecommunications service" as any of the following:

(1) Service offered for resale pursuant to federal law requiring resale of telecommunications service by an incumbent local exchange carrier (47 U.S.C.A. 251(c)(4));

(2) Interconnection service offered pursuant to federal law requiring an incumbent local exchange carrier to provide interconnection with a local exchange carrier's network (47 U.S.C.A. 251(c)(2));

(3) An unbundled network element offered by an incumbent local exchange carrier under federal law (47 U.S.C.A. 251(c)(3), which requires that a facility, equipment, or feature used in providing a telecommunications service must be offered on an unbundled basis at a reasonable rate;

(4) Collocation service (physical arrangement of equipment necessary for interconnection or access to unbundled network elements) required to be offered by incumbent local exchange carriers pursuant to federal law (47 U.S.C.A. 251(c)(6)).

The bill provides that nothing in the public utilities law (Title 49) affects the PUCO's authority under federal law that establishes procedures for negotiation, arbitration, and approval of agreements between incumbent local exchange carriers and requesting telecommunications carriers to establish rates and terms for the provision of wholesale public telecommunications services (47 U.S.C.A. 252).

No PUCO regulation of coin-operated telephone rates

(sec. 4927.23)

The bill specifies that the PUCO has no jurisdiction under its existing authority to hold hearings and fix rates, its general powers, the alternative regulation law, or the optional regulation provisions, regarding the rates charged to end user customers for retail coin-operated telephone service in Ohio.

Rules for use of customer proprietary network information

(sec. 4927.24)

The bill requires that the PUCO adopt rules for the use of customer proprietary network information. The rules must be consistent with, but not more extensive than, federal rules adopted by the FCC. Under federal rules (47 C.F.R.

§ 64.2003), "customer proprietary network information" is (1) information that relates to the quantity, technical configuration, type, destination, and the amount of use of a telecommunications services subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the customer-carrier relationship, and (2) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier. The term does not include subscriber list information.

Protective orders for certain information obtained by the PUCO

(sec. 4905.08)

The bill provides that upon the motion of any party, the PUCO, or any officer or employee designated by rule, may issue a protective order of unlimited duration:

(1) Prohibiting the disclosure of trade secret or other confidential research, development, commercial, or other information filed with or provided to the PUCO or its staff or acquired through discovery, or allowing such information to be disclosed only in a designated manner or only to designated persons or classes of persons;

(2) Limiting the use of such information to the purpose of a pending proceeding before the PUCO.

The motion is presumed to be valid and must be granted if the information sought to be protected consists of cost studies, customer usage data, business plans or studies, marketing plans or studies, or the identity of customers entering into competitive contracts. A party opposing such a motion has the burden of demonstrating that such a protective order should not be issued.

Information that is the subject of a protective order granted under the bill, or pursuant to other authority of the PUCO, or its officer or employee acting under delegated authority, is not a public record for purposes of the existing public records law and is not public or open to inspection.

The PUCO by rule or order may prevent the public release of trade secret or other confidential research, development, or commercial information filed with or provided to it if it finds that the action is necessary to ensure that it obtains information to carry out the public utility law. Information that is subject to any such rule or order also is not a public record for purposes of the existing public records law and is not public or open to inspection.

PUCO study

(sec. 4927.25)

The bill requires that the PUCO conduct a study of the need for an intrastate universal service fund in Ohio and must report its findings and recommendations to the General Assembly within six months after the bill's effective date, including its recommendations concerning the implementation of such a fund. The bill provides that nothing in this provision authorizes the PUCO to establish an intrastate universal service fund.

COMMENT

1. Section 3 of Sub. S.B. 306 of the 121st General Assembly provided that the alternative regulation plan that was approved for Ohio Bell by the PUCO in 1994, which was subsequently voided by *Time Warner AxS v. Pub. Util. Comm.*, 75 Ohio St.3d 229 (1996), would become effective June 18, 1996, and remain in effect as provided for in the plan.

2. Under the bill (sec. 4927.01(A)(10)), "primary basic local exchange service" means basic local exchange service (discussed in "Current law," above), that consists of all of the following:

- A single, voice grade connection providing access to the public switched network and having the ability to place and receive calls;
- Calling within the local calling area as such area exists on the filing date of a notice of election under the bill. Flat rate calling must be provided for residential customers ("residential" refers to service that is provided at residential locations and is used primarily or substantially for social or domestic purposes). At a residential customer's option, measured rate local calling must be provided if available.
- Dual tone multi-frequency, or "touch tone," dialing availability;
- Access to: emergency services through basic or enhanced 9-1-1 service where provided by local authorities, basic operator services, basic local directory assistance, long distance toll service providers, and telecommunications relay service;
- Availability of call blocking, calling number delivery blocking, and toll blocking services as required by PUCO rule on the bill's effective date.

"Primary basic local exchange service" does not include voice grade connections other than the first voice grade connection to a customer's premises, or any service provided to a customer's premises if more than three voice grade connections are provided to those premises.

HISTORY

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Introduced	01-06-00	p. 1285

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