

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 402**

**Representative Hill**

**Cosponsors: Representatives Smith, R., Lang, Seitz, Cera, Becker, Celebrezze,  
Scherer, Rezabek, Riedel, Koehler, Manning, Kick, Reineke**

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**A BILL**

To amend sections 128.01, 128.32, 4165.01, 1  
4905.402, 4905.61, 4927.02, 4927.12, 4927.17, 2  
4927.19, and 4931.05, to enact section 4927.102, 3  
and to repeal section 4927.08 of the Revised 4  
Code to revise state regulation of telephone 5  
companies. 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 128.01, 128.32, 4165.01, 7  
4905.402, 4905.61, 4927.02, 4927.12, 4927.17, 4927.19, and 8  
4931.05 be amended and section 4927.102 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 128.01.** As used in this chapter: 11

(A) "9-1-1 system" means a system through which 12  
individuals can request emergency service using the telephone 13  
number 9-1-1. 14

(B) "Basic 9-1-1" means a 9-1-1 system in which a caller 15  
provides information on the nature of and the location of an 16  
emergency, and the personnel receiving the call must determine 17

the appropriate emergency service provider to respond at that 18  
location. 19

(C) "Enhanced 9-1-1" means a 9-1-1 system capable of 20  
providing both enhanced wireline 9-1-1 and wireless enhanced 9- 21  
1-1. 22

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in 23  
which the wireline telephone network, in providing wireline 9-1- 24  
1, automatically does either of the following: 25

(1) Automatically routes the call to emergency service 26  
providers that serve the location from which the call is made 27  
and immediately provides to personnel answering the 9-1-1 call 28  
information on the location and the telephone number from which 29  
the call is being made; 30

(2) Receives, develops, collects, or processes requests 31  
for emergency assistance and relays, transfers, operates, 32  
maintains, or provides emergency notification services or system 33  
capabilities. 34

(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, 35  
in providing wireless 9-1-1, has the capabilities of phase I 36  
and, to the extent available, phase II enhanced 9-1-1 services 37  
as described in 47 C.F.R. 20.18 (d) to (h). 38

(F) (1) "Wireless service" means federally licensed 39  
commercial mobile service as defined in 47 U.S.C. 332(d) and 40  
further defined as commercial mobile radio service in 47 C.F.R. 41  
20.3, and includes service provided by any wireless, two-way 42  
communications device, including a radio-telephone 43  
communications line used in cellular telephone service or 44  
personal communications service, a network radio access line, or 45  
any functional or competitive equivalent of such a radio- 46

telephone communications or network radio access line.	47
(2) Nothing in this chapter applies to paging or any service that cannot be used to call 9-1-1.	48 49
(G) "Wireless service provider" means a facilities-based provider of wireless service to one or more end users in this state.	50 51 52
(H) "Wireless 9-1-1" means the emergency calling service provided by a 9-1-1 system pursuant to a call originating in the network of a wireless service provider.	53 54 55
(I) "Wireline 9-1-1" means the emergency calling service provided by a 9-1-1 system pursuant to a call originating in the network of a wireline service provider.	56 57 58
(J) "Wireline service provider" means a facilities-based provider of wireline service to one or more end-users in this state.	59 60 61
(K) "Wireline service" means basic local exchange service, as defined in section 4927.01 of the Revised Code, that is transmitted by means of interconnected wires or cables by a wireline service provider authorized by the public utilities commission.	62 63 64 65 66
(L) "Wireline telephone network" means the selective router and data base processing systems, trunking and data wiring cross connection points at the public safety answering point, and all other voice and data components of the 9-1-1 system.	67 68 69 70 71
(M) "Subdivision" means a county, municipal corporation, township, township fire district, joint fire district, township police district, joint police district, joint ambulance	72 73 74

district, or joint emergency medical services district that 75  
provides emergency service within its territory, or that 76  
contracts with another municipal corporation, township, or 77  
district or with a private entity to provide such service; and a 78  
state college or university, port authority, or park district of 79  
any kind that employs law enforcement officers that act as the 80  
primary police force on the grounds of the college or university 81  
or port authority or in the parks operated by the district. 82

(N) "Emergency service" means emergency law enforcement, 83  
firefighting, ambulance, rescue, and medical service. 84

(O) "Emergency service provider" means the state highway 85  
patrol and an emergency service department or unit of a 86  
subdivision or that provides emergency service to a subdivision 87  
under contract with the subdivision. 88

(P) "Public safety answering point" means a facility to 89  
which 9-1-1 system calls for a specific territory are initially 90  
routed for response and where personnel respond to specific 91  
requests for emergency service by directly dispatching the 92  
appropriate emergency service provider, relaying a message to 93  
the appropriate provider, or transferring the call to the 94  
appropriate provider. 95

(Q) "Customer premises equipment" means telecommunications 96  
equipment, including telephone instruments, on the premises of a 97  
public safety answering point that is used in answering and 98  
responding to 9-1-1 system calls. 99

(R) "Municipal corporation in the county" includes any 100  
municipal corporation that is wholly contained in the county and 101  
each municipal corporation located in more than one county that 102  
has a greater proportion of its territory in the county to which 103

the term refers than in any other county. 104

(S) "Board of county commissioners" includes the 105  
legislative authority of a county established under Section 3 of 106  
Article X, Ohio Constitution, or Chapter 302. of the Revised 107  
Code. 108

(T) "Final plan" means a final plan adopted under division 109  
(B) of section 128.08 of the Revised Code and, except as 110  
otherwise expressly provided, an amended final plan adopted 111  
under section 128.12 of the Revised Code. 112

(U) "Subdivision served by a public safety answering 113  
point" means a subdivision that provides emergency service for 114  
any part of its territory that is located within the territory 115  
of a public safety answering point whether the subdivision 116  
provides the emergency service with its own employees or 117  
pursuant to a contract. 118

(V) A township's population includes only population of 119  
the unincorporated portion of the township. 120

(W) "Telephone company" means a company engaged in the 121  
business of providing local exchange telephone service by making 122  
available or furnishing access and a dial tone to persons within 123  
a local calling area for use in originating and receiving voice 124  
grade communications over a switched network operated by the 125  
provider of the service within the area and gaining access to 126  
other telecommunications services. ~~"Telephone-Unless otherwise~~ 127  
~~specified, "telephone company" includes a wireline service~~ 128  
~~provider and, a wireless service provider-unless otherwise~~ 129  
~~expressly specified, and any entity that is a covered 9-1-1~~ 130  
~~service provider under 47 C.F.R. 12.4.~~ For purposes of sections 131  
128.25 and 128.26 of the Revised Code, "telephone company" means 132

a wireline service provider.	133
(X) "Prepaid wireless calling service" has the same meaning as in division (AA) (5) of section 5739.01 of the Revised Code.	134 135 136
(Y) "Provider of a prepaid wireless calling service" means a wireless service provider that provides a prepaid wireless calling service.	137 138 139
(Z) "Retail sale" has the same meaning as in section 5739.01 of the Revised Code.	140 141
(AA) "Seller" means a person that sells a prepaid wireless calling service to another person by retail sale.	142 143
(BB) "Consumer" means the person for whom the prepaid wireless calling service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the prepaid wireless calling service is charged, or to whom the admission is granted.	144 145 146 147 148
(CC) "Reseller" means a nonfacilities-based provider of wireless service that provides wireless service under its own name to one or more end users in this state using the network of a wireless service provider.	149 150 151 152
(DD) "Steering committee" means the statewide emergency services internet protocol network steering committee established by division (A) (1) of section 128.02 of the Revised Code.	153 154 155 156
<b>Sec. 128.32.</b> (A) (1) The state, the state highway patrol, a subdivision, or a regional council of governments participating in a 9-1-1 system established under this chapter and any officer, agent, employee, or independent contractor of the	157 158 159 160

state, the state highway patrol, or such a participating 161  
subdivision or regional council of governments is not liable in 162  
damages in a civil action for injuries, death, or loss to 163  
persons or property arising from any act or omission, except 164  
willful or wanton misconduct, in connection with developing, 165  
adopting, or approving any final plan or any agreement made 166  
under section 128.09 of the Revised Code or otherwise bringing 167  
into operation the 9-1-1 system pursuant to this chapter. 168

(2) The steering committee and any member of the steering 169  
committee are not liable in damages in a civil action for 170  
injuries, death, or loss to persons or property arising from any 171  
act or omission, except willful or wanton misconduct, in 172  
connection with the development or operation of a 9-1-1 system 173  
established under this chapter. 174

(B) Except as otherwise provided in this section, an 175  
individual who gives emergency instructions through a 9-1-1 176  
system established under this chapter, and the principals for 177  
whom the person acts, including both employers and independent 178  
contractors, public and private, and an individual who follows 179  
emergency instructions and the principals for whom that person 180  
acts, including both employers and independent contractors, 181  
public and private, are not liable in damages in a civil action 182  
for injuries, death, or loss to persons or property arising from 183  
the issuance or following of emergency instructions, except 184  
where the issuance or following of the instructions constitutes 185  
willful or wanton misconduct. 186

(C) Except for willful or wanton misconduct, a telephone 187  
company, and any other installer, maintainer, or provider, 188  
through the sale or otherwise, of customer premises equipment, 189  
or service used for or with a 9-1-1 system, and their respective 190

officers, directors, employees, agents, ~~and~~ suppliers, corporate 191  
parents, and affiliates are not liable in damages in a civil 192  
action for injuries, death, or loss to persons or property 193  
incurred by any person resulting from any of the following: 194

(1) Such an entity's or its officers', directors', 195  
employees', agents', or suppliers' participation in or acts or 196  
omissions in connection with participating in or developing, 197  
maintaining, or operating a 9-1-1 system; 198

(2) Such an entity's or its officers', directors', 199  
employees', agents', or suppliers' provision of assistance to a 200  
public utility, municipal utility, or state or local government 201  
as authorized by divisions (G) (4) and (5) of this section. 202

(D) Except for willful or wanton misconduct, a provider of 203  
and a seller of a prepaid wireless calling service and their 204  
respective officers, directors, employees, agents, and suppliers 205  
are not liable in damages in a civil action for injuries, death, 206  
or loss to persons or property incurred by any person resulting 207  
from anything described in division (C) of this section. 208

(E) No person shall knowingly use the telephone number of 209  
a 9-1-1 system established under this chapter to report an 210  
emergency if the person knows that no emergency exists. 211

(F) No person shall knowingly use a 9-1-1 system for a 212  
purpose other than obtaining emergency service. 213

(G) No person shall disclose or use any information 214  
concerning telephone numbers, addresses, or names obtained from 215  
the data base that serves the public safety answering point of a 216  
9-1-1 system established under this chapter, except for any of 217  
the following purposes or under any of the following 218  
circumstances: 219



(1) For the purpose of the 9-1-1 system;	220
(2) For the purpose of responding to an emergency call to an emergency service provider;	221 222
(3) In the circumstance of the inadvertent disclosure of such information due solely to technology of the wireline telephone network portion of the 9-1-1 system not allowing access to the data base to be restricted to 9-1-1 specific answering lines at a public safety answering point;	223 224 225 226 227
(4) In the circumstance of access to a data base being given by a telephone company that is a wireline service provider to a public utility or municipal utility in handling customer calls in times of public emergency or service outages. The charge, terms, and conditions for the disclosure or use of such information for the purpose of such access to a data base shall be subject to the jurisdiction of the steering committee.	228 229 230 231 232 233 234
(5) In the circumstance of access to a data base given by a telephone company that is a wireline service provider to a state and local government in warning of a public emergency, as determined by the steering committee. The charge, terms, and conditions for the disclosure or use of that information for the purpose of access to a data base is subject to the jurisdiction of the steering committee.	235 236 237 238 239 240 241
<b>Sec. 4165.01.</b> As used in this chapter, unless the context otherwise requires:	242 243
(A) "Certification mark" means a mark used in connection with the goods or services of a person other than the certifier to indicate geographic origin, material, mode of manufacture, quality, accuracy, or other characteristics of the goods or services or to indicate that the work or labor on the goods or	244 245 246 247 248

services was performed by members of a union or other 249  
organization. 250

(B) "Collective mark" means a mark used by members of a 251  
cooperative, association, or other collective group or 252  
organization to identify goods or services and distinguish them 253  
from those of others, or to indicate membership in the 254  
collective group or organization. 255

(C) "Mark" means a word, name, symbol, device, or 256  
combination of a word, name, symbol, or device in any form or 257  
arrangement. 258

(D) "Person" means an individual, corporation, government, 259  
governmental subdivision or agency, business trust, estate, 260  
trust, partnership, unincorporated association, limited 261  
liability company, two or more of any of the foregoing having a 262  
joint or common interest, or any other legal or commercial 263  
entity. 264

(E) "Service mark" means a mark used by a person to 265  
identify services and to distinguish them from the services of 266  
others. 267

(F) "Trademark" means a mark used by a person to identify 268  
goods and to distinguish them from the goods of others. 269

(G) "Trade name" means a word, name, symbol, device, or 270  
combination of a word, name, symbol, or device in any form or 271  
arrangement used by a person to identify the person's business, 272  
vocation, or occupation and distinguish it from the business, 273  
vocation, or occupation of others. 274

(H) "Directory assistance" means the disclosure by an 275  
operator or an automated service, upon request by an individual 276  
and that individual's identification of a telephone service 277

subscriber in some manner, of telephone number information 278  
pertaining to the identified telephone service subscriber. 279

(I) "Local telephone directory" means a telephone 280  
classified advertising directory, or the business section of a 281  
telephone directory, that is distributed by a telephone company 282  
or a directory publisher to subscribers who are located in one 283  
or more local exchanges covered by the directory. "Local 284  
telephone directory" includes a telephone classified advertising 285  
directory, or the business section of a telephone directory, 286  
that includes listings of more than one telephone company. 287

(J) "Local telephone number" means a telephone number that 288  
has a three-number prefix that is used by a telephone company in 289  
connection with telephones that are physically located within an 290  
area covered by a local telephone directory in which the 291  
telephone number is listed. "Local telephone number" does not 292  
include long distance telephone numbers that are listed as long 293  
distance telephone numbers in a local telephone directory, or 294  
800-, 888-, or 900- telephone numbers that are listed in a local 295  
telephone directory. 296

(K) "Telephone company" ~~has the same meaning as means a~~ 297  
~~person that, in section 4905.402 the normal course of the~~ 298  
~~Revised Code business, offers a local telephone directory to~~ 299  
~~customers or lists business names in a directory assistance~~ 300  
~~database.~~ 301

**Sec. 4905.402.** (A) As used in this section: 302

(1) "Control" means the possession of the power to direct 303  
~~the management and policies of a domestic telephone company or a~~ 304  
~~holding company of a domestic telephone company, or the~~ 305  
management and policies of a domestic electric utility or a 306

holding company of a domestic electric utility, through the 307  
ownership of voting securities, by contract, or otherwise, but 308  
does not include the power that results from holding an official 309  
position or the possession of corporate office with the domestic 310  
company or utility or the holding company. Control is presumed 311  
to exist if any person, directly or indirectly, owns, controls, 312  
holds the power to vote, or holds with the power to vote proxies 313  
that constitute, twenty per cent or more of the total voting 314  
power of the domestic company or utility or the holding company. 315

(2) "Electric utility" has the same meaning as in section 316  
4928.07 of the Revised Code. 317

(3) "Holding company" excludes any securities broker 318  
performing the usual and customary broker's function. 319

(4) "Telephone company" means any company described in 320  
division (A) of section 4905.03 of the Revised Code that is a 321  
public utility under section 4905.02 of the Revised Code and 322  
provides basic local exchange service, as defined in section 323  
4927.01 of the Revised Code. 324

(B) No person shall acquire control, directly or 325  
indirectly, ~~of a domestic telephone company or a holding company~~ 326  
~~controlling a domestic telephone company or~~ of a domestic 327  
electric utility or a holding company controlling a domestic 328  
electric utility unless that person obtains the prior approval 329  
of the public utilities commission under this section. To obtain 330  
approval the person shall file an application with the 331  
commission demonstrating that the acquisition will promote 332  
public convenience and result in the provision of adequate 333  
service for a reasonable rate, rental, toll, or charge. The 334  
application shall contain such information as the commission may 335  
require. If the commission considers a hearing necessary, it may 336

fix a time and place for hearing. If, after review of the 337  
application and after any necessary hearing, the commission is 338  
satisfied that approval of the application will promote public 339  
convenience and result in the provision of adequate service for 340  
a reasonable rate, rental, toll, or charge, the commission shall 341  
approve the application and make such order as it considers 342  
proper. If the commission fails to issue an order within thirty 343  
days of the filing of the application, or within twenty days of 344  
the conclusion of a hearing, if one is held, the application 345  
shall be deemed approved by operation of law. 346

~~(C) No domestic telephone company shall merge with another 347  
domestic telephone company unless the merging companies obtain 348  
the prior approval of the commission. An application seeking 349  
such approval shall be filed, processed, and decided in the 350  
manner provided for an application under division (B) of this 351  
section. 352~~

~~(D)~~ The public utilities commission shall adopt such rules 353  
as it finds necessary to carry out the provisions of this 354  
section. 355

~~(E)~~ (D) If it appears to the public utilities commission 356  
or to any person that may be adversely affected that any person 357  
is engaged in or about to engage in any acts or practices that 358  
would violate division (B) ~~or (C)~~ of this section or any 359  
provision of a rule adopted under this section, the attorney 360  
general, when directed to do so by the commission, or the person 361  
claiming to be adversely affected may bring an action in any 362  
court of common pleas that has jurisdiction and venue to enjoin 363  
such acts or practices and enforce compliance. Upon a proper 364  
showing, the court shall grant, without bond, a restraining 365  
order or temporary or permanent injunction. 366

~~(F)~~(E) The courts of this state have jurisdiction over 367  
every person not a resident of or domiciled or authorized to do 368  
business in this state that files, or is prohibited from acting 369  
without first filing, an application under division (B) ~~or (C)~~ 370  
of this section, and over all actions involving such person 371  
arising out of violations of any provision of this section or of 372  
a rule adopted under this section. The secretary of state shall 373  
be the agent for service of process for any such person in any 374  
action, suit, or proceeding arising out of such violations. 375  
Copies of all such lawful process shall be served upon the 376  
secretary of state and transmitted by certified mail, with 377  
return receipt requested, by the secretary of state to such 378  
person at the person's last known address. 379

(F) (1) A telephone company that files an application with 380  
the federal communications commission seeking authority for a 381  
merger or transfer of control shall file notice of the 382  
application with the public utilities commission. Prior approval 383  
of the public utilities commission is not required in any case 384  
in which the federal communications commission has approval 385  
authority, and the public utilities commission shall not review 386  
or investigate the transaction. 387

(2) The public utilities commission shall adopt rules to 388  
specify the time and manner in which the company shall file 389  
notice of the application. 390

**Sec. 4905.61.** If any public utility or railroad does, or 391  
causes to be done, any act or thing prohibited by Chapters 392  
4901., 4903., 4905., 4907., 4909., 4921., 4923., and 4927. of 393  
the Revised Code, or declared to be unlawful, or omits to do any 394  
act or thing required by the provisions of those chapters, or by 395  
order of the public utilities commission, the public utility or 396

railroad is liable to the person, firm, or corporation injured 397  
thereby in treble the amount of damages sustained in consequence 398  
of the violation, failure, or omission. Any recovery under this 399  
section does not affect a recovery by the state for any penalty 400  
provided for in the chapters. This section does not apply to a 401  
telephone company. 402

**Sec. 4927.02.** (A) It is the policy of this state to: 403

(1) Ensure the availability of ~~adequate basic local~~ 404  
~~exchange service or~~ voice service to citizens throughout the 405  
state; 406

(2) Provide incentives for competing providers of 407  
telecommunications service to provide advanced, high-quality 408  
telecommunications service to citizens throughout the state; 409

(3) Rely ~~primarily on market forces, where they exist,~~ to 410  
maintain reasonable service levels for telecommunications 411  
services at reasonable rates; 412

(4) Encourage innovation in the telecommunications 413  
industry and the deployment of advanced telecommunications 414  
services; 415

(5) Create a regulatory climate that provides incentives 416  
to create and maintain high technology jobs for Ohioans; 417

(6) Promote diversity and options in the supply of 418  
telecommunications services and equipment throughout the state; 419

(7) ~~Recognize the continuing emergence of a competitive~~ 420  
~~telecommunications environment through flexible regulatory~~ 421  
~~treatment of telecommunications services where appropriate;~~ 422

~~(8) Consider the regulatory treatment of competing and~~ 423  
~~functionally equivalent services and, to the extent practicable,~~ 424

~~provide for equivalent regulation of all telephone companies and~~ 425  
~~services;~~ 426

~~(9) Not unduly favor or advantage any provider and not~~ 427  
~~unduly disadvantage providers of competing and functionally~~ 428  
~~equivalent services; and~~ 429

~~(10)~~ (8) Protect the affordability of telephone service 430  
for low-income subscribers through the continuation of federal 431  
lifeline assistance programs; 432

(9) Allow and encourage competition and market forces to 433  
determine the availability, prices, terms, and other conditions 434  
of providing voice services. 435

(B) The public utilities commission shall consider the 436  
policy set forth in this section in carrying out this chapter. 437

Sec. 4927.102. Nothing in the sections amended by ...B... 438  
of the 132nd general assembly shall be construed to affect any 439  
existing contractual obligation or any right or obligation under 440  
federal law or rules. 441

**Sec. 4927.12.** (A) As used in this section, "exchange area" 442  
means a geographical service area established by an incumbent 443  
local exchange carrier and approved by the public utilities 444  
commission. 445

(B) Subject to divisions (C), (D), and (E) of this 446  
section, and upon not less than thirty days' notice to the 447  
public utilities commission and to affected customers, an 448  
incumbent local exchange carrier may alter its rates for basic 449  
local exchange service. 450

(C) In addition to the requirements of division (B) of 451  
this section, all of the following apply to any upward 452



alteration of rates for basic local exchange service made under 453  
that division: 454

(1) If the incumbent local exchange carrier, within twelve 455  
months prior to ~~the effective date of this section~~ September 13, 456  
2010, increased the carrier's rates for basic local exchange 457  
service for an exchange area, both of the following apply: 458

(a) The incumbent local exchange carrier may not alter the 459  
carrier's rates for basic local exchange service for the 460  
exchange area upward by any amount during the period that ends 461  
twelve months after the date of the last increase of the rates 462  
for basic local exchange service. 463

(b) ~~In no event may the~~ The incumbent local exchange 464  
carrier, during the twelve-month period that begins immediately 465  
after the end date of the period described in division (C) (1) (a) 466  
of this section, and during any subsequent twelve-month period, 467  
shall not, except as provided in division (G) of this section, 468  
alter the carrier's rates for basic local exchange service 469  
upward for the exchange area by more than the following: 470

(i) The amount authorized for an annual increase in the 471  
rate for basic local exchange service by division (A) of rule 472  
4901:1-4-11 of the Ohio Administrative Code as that rule existed 473  
~~on the effective date of this section~~ September 13, 2010; or 474

(ii) Twenty per cent of the carrier's current and total 475  
basic local exchange service rate. 476

(2) If the incumbent local exchange carrier did not, 477  
within twelve months prior to ~~the effective date of this section~~ 478  
September 13, 2010, increase the carrier's rates for basic local 479  
exchange service for an exchange area, and if the commission has 480  
made a prior determination that the exchange area qualified for 481

alternative regulation of basic local exchange service under 482  
Chapter 4901:1-4 of the Ohio Administrative Code as that chapter 483  
existed on the effective date of this section, ~~in no event may~~ 484  
the incumbent local exchange carrier, during the twelve-month 485  
period that begins on ~~the effective date of this section~~ 486  
September 13, 2010, and during any subsequent twelve-month 487  
period, shall not, except as provided in division (G) of this 488  
section, alter the carrier's rates for basic local exchange 489  
service upward for the exchange area by more than the amount 490  
described in division (C) (1) (b) of this section. 491

(3) (a) If the commission has not made a prior 492  
determination that the exchange area qualified for alternative 493  
regulation of basic local exchange service under Chapter 4901:1- 494  
4 of the Ohio Administrative Code as that chapter existed on ~~the~~ 495  
~~effective date of this section~~ September 13, 2010, an incumbent 496  
local exchange carrier may not alter its rates for basic local 497  
exchange service upward for that exchange area unless the 498  
carrier first applies to the commission and the commission 499  
determines that the application demonstrates that two or more 500  
alternative providers offer, in the exchange area, competing 501  
service to the basic local exchange service offered by an 502  
incumbent local exchange carrier in the exchange area, 503  
regardless of the technology and facilities used by the 504  
alternative provider, the alternative provider's location, and 505  
the extent of the alternative provider's service area within the 506  
exchange area. An alternative provider includes a telephone 507  
company, including a wireless service provider, a 508  
telecommunications carrier, and a provider of internet protocol- 509  
enabled services, including voice over internet protocol. 510

(b) Upon the filing of an application under division (C) 511  
(3) (a) of this section, the commission shall be deemed to have 512

found that the application meets the requirements of that 513  
division unless the commission, within thirty days after the 514  
filing of the application, issues an order finding that the 515  
requirements have not been met. 516

~~(c) In no event may an~~ An incumbent local exchange carrier 517  
that applies to the commission under division (C) (3) (a) of this 518  
section, during the twelve-month period that begins on the 519  
thirty-first day after the company files the application, and 520  
during any subsequent twelve-month period, shall not, except as  
provided in division (G) of this section, alter the carrier's 521  
rates for basic local exchange service upward for the exchange 522  
area to which the application applies by more than the amount 523  
described in division (C) (1) (b) of this section. 524  
525

~~(4) In no event may an incumbent local exchange carrier, 526  
before January 1, 2012, alter the carrier's rates for basic 527  
local exchange service upward for a customer receiving lifeline 528  
service under section 4927.13 of the Revised Code. 529~~

(D) Except as provided in division (E) of this section, no 530  
banking of upward rate alterations made under division (B) of 531  
this section is permitted. 532

(E) At any time and upon not less than thirty days' notice 533  
to the commission and to affected customers, an incumbent local 534  
exchange carrier owned and operated exclusively by and solely 535  
for its customers may alter its rates for basic local exchange 536  
service by any amount. 537

(F) The rates, terms, and conditions for basic local 538  
exchange service and for installation and reconnection fees for 539  
basic local exchange service shall be tariffed in the manner 540  
prescribed by rule adopted by the commission. 541

(G) The public utilities commission shall allow upward 542  
alterations to the rate for basic local exchange service by an 543  
incumbent local exchange carrier by any amount necessary in 544  
order to comply with the eligibility requirements prescribed by 545  
the federal communications commission for the federal universal 546  
service high-cost program. Upward alterations may be ordered to 547  
be phased-in over a period not to exceed three years if the 548  
commission determines that a phase-in is necessary to protect 549  
the public interest. 550

**Sec. 4927.17.** (A) Except as provided in sections 4927.07 551  
and 4927.12 of the Revised Code, a telephone company shall 552  
provide at least fifteen days' advance notice to its affected 553  
customers of any material change in the rates, terms, and 554  
conditions of a-any service required to be tariffed by the 555  
public utilities commission or the federal communications 556  
commission and any change in the company's operations that are 557  
not transparent to customers and may impact service. 558

(B) A telephone company shall inform its customers of the 559  
commission's toll-free number and e-mail address on all bills 560  
and disconnection notices and any residential customers of the 561  
office of the consumers' counsel's toll-free number and e-mail 562  
address on all residential bills and disconnection notices. 563

**Sec. 4927.19.** (A) The public utilities commission may 564  
investigate or examine the books, records, or practices of any 565  
telephone company, but only to the extent of the commission's 566  
jurisdiction over the company under sections 4927.01 to 4927.21 567  
of the Revised Code. Subject to that limitation, the commission 568  
may do any of the following: 569

~~(A)~~ (1) Through its commissioners or by inspectors or 570  
employees authorized by it, examine the books, records, 571

contracts, documents, and papers of any such company for any 572  
purpose incidental to the commission's authority under those 573  
sections; 574

~~(B)~~ (2) By subpoena duces tecum, compel the production of 575  
such books, records, contracts, documents, and papers; 576

~~(C)~~ (3) Compel the attendance of such witnesses as it 577  
requires to give evidence in connection with such an 578  
investigation. 579

(B) The commission may investigate or inspect the plant 580  
and facility of any telephone company, subject to the following 581  
limitations: 582

(1) To the extent of the commission's jurisdiction over 583  
the company under sections 4927.01 to 4927.21 of the Revised 584  
Code; 585

(2) Only in response to a consumer complaint concerning 586  
basic local exchange service that implicates the plant or 587  
facility to be inspected. 588

**Sec. 4931.05.** Any company organized at any time to 589  
transact a telephone or communications business may construct, 590  
reconstruct, own, use, lease, operate, maintain, and improve 591  
communications systems for the transmission of voices, sounds, 592  
writings, signs, signals, pictures, visions, images, or other 593  
forms of intelligence, ~~as public utility services,~~ by means of 594  
wire, cable, radio, radio relay, or other telecommunications 595  
facilities, methods, or media. Any such company has the powers 596  
and is subject to the restrictions prescribed in sections 597  
4931.02 to 4931.04 of the Revised Code for telephone companies. 598

**Section 2.** That existing sections 128.01, 128.32, 4165.01, 599  
4905.402, 4905.61, 4927.02, 4927.12, 4927.17, 4927.19, and 600

4931.05 and section 4927.08 of the Revised Code are hereby 601  
repealed. 602

**Section 3.** Not later than one hundred twenty days 603  
following the effective date of ...B... of the 132nd General 604  
Assembly, the Public Utilities Commission shall amend its rules 605  
to the extent necessary to bring them into conformity with this 606  
act and shall amend its rule implementing section 4927.13 of the 607  
Revised Code to ensure consistency with the federal Lifeline 608  
program. 609