



May 31, 2022

Senate Majority Whip Rob McColley
Chair, Senate Energy & Public Utilities Committee
Ohio Senate
Statehouse, Room 222
Columbus, Ohio 43215

Dear Senator McColley,

The Ohio Telecom Association, and its member companies, supports the amendment to add Section 4927.102 to the public utilities laws in House Bill 430, which is currently being considered by the Senate Energy and Public Utilities Committee. The proposed amendment would specify that the Commission could not impose additional requirements on the withdrawal or abandonment of a telephone service except as provided under R.C. 4927.07 and 4927.10. It would also direct the Commission to conform its rules to the new statutory section.

This amendment would address an issue raised by a Commission rulemaking to implement R.C. 4927.10. That section, adopted in 2015 as part of the state budget, concerns the abandonment or withdrawal of basic local exchange service by incumbent local exchange companies. It complements another section, R.C. 4927.07, that provides that a service other than basic local exchange service may be withdrawn or abandoned after a 30-day notice is provided to the Commission and affected customers.

In a rulemaking case that predates the adoption of R.C. 4927.10, the Commission has proposed a rule that largely conforms to the legislative language. However, the Commission also has sought to extend the requirements of R.C. 4927.10 that are applicable solely to the withdrawal or abandonment of basic local exchange service to other providers, asserting it can do so because a remaining sole provider of telephone service that elects to withdraw would place customers at risk. To address this hypothetical situation, the division of the rule requires a sole provider of emergency services to comply with the same withdrawal requirements applicable to basic local exchange service and to continue to provide telephone service to a customer, potentially indefinitely.

Although OTA believes that current law provides clear guidance to the Commission on the treatment of the abandonment or withdrawal of telephone service and substantial safeguards for the few remaining customers using basic local exchange service, the amendment should clarify that the Commission's recent rulemaking extends Commission authority in a way that the General Assembly has not authorized.

Moreover, this amendment is unlikely to place any Ohio communications customer at risk. Given the ubiquitous availability of communications services in Ohio, there is no evidence that there is a customer that would be at risk of losing access to emergency service. Further, when customers have been at risk

for loss of service, as for example when unusual weather has adversely affected facilities, Ohio's incumbent carriers have found solutions to assure that communications services are available. Once again, thank you for the opportunity to share the reasons for OTA's support of the proposed amendment. Please feel free to contact OTA if you would like to discuss this proposal or other issues related to the telecommunications business.

The Ohio Telecom Association is a statewide trade association that promotes the common interests of telecommunications companies serving and employing Ohioans. The OTA currently represents 41 telecommunications providers, two wireless providers and more than 100 associate member companies that supply goods and services to the telecommunications industry. In total, the OTA member companies employ more than 16,000 Ohioans.

Sincerely,

A handwritten signature in black ink that reads "Charles R. Moses". The signature is written in a cursive style with a large initial "C".

Charles R. Moses, President
Ohio Telecom Association

cc: Members of the Senate Energy & Public Utilities Committee