

BEFORE
Ohio Senate Energy and Public Utilities Committee
Opposing Party Testimony on Sub. House Bill 430
(Concern on Senate Amendment 3127 on Basic Phone Service)
BY
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May 31, 2022

Good morning, Chair McColley, Vice-Chair Schuring, Ranking Member Williams, and Committee Members.

Thank you for the opportunity to testify in opposition to this legislation, specifically, the Senate Amendment 3127 relating to Basic Phone Service. My name is Mary Ellen Nose and I reside in Vinton County Ohio.

I work for Southeastern Ohio Legal Services which represents 30 rural Appalachian Counties, many areas of which have little or no access to cell phone services, and little or no access to internet services.

Many, like myself, have internet through their basic local telephone exchange, also known as BLES. My landline became absolutely essential when the COVID 19 pandemic hit, and we were no longer able to go into the offices and began working remotely from our homes. Without the basic local telephone, I would not have had internet, and that would have impacted my ability to work.

I have testified before regarding the necessity of continuing basic local telephone services until all households, in all counties in Ohio have reliable, affordable, and comparable cell services as that provided through the basic local telephone.

I have testified in the past that it is essential to ensure that BLES providers maintain current lines so that individuals without access to cell phones or internet services can continue to be safe and secure in their homes, should any emergency arise. The COVID 19 Pandemic heightened the awareness of the necessity of a means to be able

to communicate with families, medical providers, accessing public benefits, and contacting emergency services. Under current laws, PUCO has the authority to at least help guarantee that individuals, generally those who reside in rural areas where it is not profitable for cellular providers to enter, those who are low-income or on fixed incomes, those who are aged, and those who are disabled, have a basic means of communicating. Their rights must continue to be protected. The bill would allow the phone companies to prohibit PUCO from “impos[ing] ,,. any requirement, withdrawal or abandonment, build-out requirements, or any other regulatory requirement or restriction that is not generally applicable to the service or the provider in other contexts,” and would allow the telephone companies to abandon the protections currently established under existing law. If anything, the law should be clarified to ensure the PUCO can impose needed consumer protections when service is withdrawn, instead of clarifying the law to eliminate consumer protections.

There are approximately 360,000 total customers, including many individuals and families, who rely upon the most basic local telephone service according to OCC. The individuals and families are most likely those Ohioans described above. Those of us with no other options for reasonable and comparatively priced voice service need these protections to ensure the safety and well-being of our family and every Ohioan.

PUCO has imposed restrictions that ensure consumer protection under O.R.C. 4927.10(B). As recently as May 18, 2022, in Case 14-1554, PUCO protected consumers by rules relating to phone companies’ abandonment and withdrawal of consumer’s basic local telephone exchange services. PUCO’s proposed rule 4901:1-06-21 offers those consumer protections needed for basic phone service, allowing customers to call within their local community for a flat rate, have access to 9-1-1 emergency services, and access long distance service. And, as I have learned in the past two years, without basic local telephone services, many would have no access to the internet.

I have reviewed the Committee’s meeting of May 24, 2022, at which discussion occurred regarding the rulemaking process at PUCO and JCARR and the length of time

of the process. In Amendment 3127, it appears that the Committee is considering clarification of existing law. I propose that any clarification should be to protect consumers.

It would be especially important for rural consumers (and for rural small businesses) for the law to ensure cell service is universally available in the State of Ohio before considering abandonment of basic phone services. I understand that many customers have stopped using basic phone services and there is a concern for basic phone service providers in maintaining lines with fewer customers to serve. However, until reliable cell service is universally available at every household in Ohio, at a reasonable and comparative price, basic phone services should not be abandoned. Living in a county where dead zones exist in cell service and traveling for SEOLS clients to other rural Ohio counties with dead zones, raises the question of the reliability of some claims that cell service is available in areas.

To allow telephone companies to withdraw or abandon current basic phone service without guaranteeing access to affordable and reliable voice service at reasonable and comparative prices, even with notification to consumers, is unconscionable. Please consider all those who have no other means of obtaining reasonable and comparatively priced voice services other than BLES when reviewing this legislation.

Thank you for allowing me to testify.