



**KLEIN LAW
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**NATIONAL COMMUNICATIONS
COUNSELSM**

Your Trusted Advisor

Firm Advisory

October 2, 2007

**OHIO COMMISSION CLARIFIES DE-TARIFFING
REQUIREMENTS FOR COMPETITIVE SERVICES**

On September 19, 2007, the Public Utilities Commission of Ohio released an Entry in its rulemaking proceeding to streamline several regulatory requirements for competitive services, directing providers of toll and non-residential tier 2 services to exclude such services from their tariffs. Pursuant to new retail Rule 4901:1-6-05(G)(1), Ohio Administrative Code, all regulated “nonresidential Tier 2” services and toll services, “shall not be included in tariffs filed with the Commission, but shall still be subject to Commission oversight and regulation.”

The September Entry clarifies requirements established in a June Entry adopting “mandatory detariffing” requirements for competitive services. Chief among the clarifications are the following:

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- A 6 month window, beginning on October 1, has been established for companies to remove the de-tariffed services from their tariffs;
- Companies must continue to file changes to existing tariffs covering affected services, until a detariffing filing is made;
- Companies may not de-tariff existing tariffed services until they are ready and able to provide full service information to customers in hard copy or via Company web;
- Companies must provide a one-time notice to customers of the detariffing and the posting of terms and conditions, 15 days prior to the detariffing date; the provision of notice must be attested to by the Company via affidavit filed with the Commission, along with a copy of the customer notice.

Commission staff confirms that only tier 2 services are to be removed from tariffs. Tariff terms and conditions relating to tier 1 services (principally basic local service and Caller ID) and administrative fees (such as returned check charges, late payment interest, and primary interexchange carrier charges) are to remain tariffed.

Please do not hesitate to contact us if you have questions or would like assistance in the implementation of or compliance with these requirements.

This Advisory is provided for general informational purposes as a courtesy to clients and friends of the firms. While it is not intended to be and should therefore not be relied upon as legal advice, we would be pleased to provide additional details or advice regarding its application to specific facts and circumstances.

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