



Ohio Revised Code

Section 4927.123 Exemption for incumbent local exchange carriers.

Effective: March 20, 2019

Legislation: House Bill 402 - 132nd General Assembly

(A) As used in this section:

"Exchange area" has the same meaning as in section 4927.12 of the Revised Code.

"Line loss" refers to the number of access lines, whether residential or commercial, for which a customer of an incumbent local exchange carrier has terminated local exchange service.

(B) Not earlier than the date that is exactly four years after the effective date of this section , an incumbent local exchange carrier may apply to the public utilities commission for an exemption from the requirements of section 4927.12 of the Revised Code for an exchange area, subject to division (E) of this section.

(C) The commission shall approve an application under division (B) of this section if the carrier demonstrates that both of the following apply:

(1) The carrier has experienced at least fifty per cent line loss in the exchange area since January 1, 2002.

(2) One of the following applies:

(a) The carrier increased the carrier's rates for basic local exchange service for the exchange area within the twelve months prior to September 13, 2010.

(b) The commission made a determination that the exchange area qualified for alternative regulation of basic local exchange service under Chapter 4901:1-4 of the Ohio Administrative Code as that chapter existed on September 13, 2010.

(c) The carrier filed an application for the exchange area that was approved or deemed approved



under division (B)(3)(b) of section 4927.12 of the Revised Code.

(D) On the thirty-first day after the filing of an application under division (B) of this section, the commission shall be deemed to have found that the application meets the requirements of division (C) of this section unless the commission, within thirty days after the filing of the application, issues an order finding that the requirements have not been met.

(E) If an application for an exchange area is approved or deemed approved under this section, the incumbent local exchange carrier that filed the application shall be exempt from the requirements of section 4927.12 of the Revised Code for the exchange area to which the application applies, except that the carrier may not alter the carrier's rates for basic local exchange service below the carrier's incremental cost. "Incremental cost" has the same meaning as in section 4927.12 of the Revised Code.

(F) Nothing in this section shall be construed to impair the rights of any person to file a complaint with the commission under section 4927.21 of the Revised Code, or the rights of the commission to initiate such a complaint, against an incumbent local exchange carrier who has been granted an exemption under this section.