

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Adoption of Chapter)	
4901:1-3, Ohio Administrative Code,)	
Concerning Access to Poles, Ducts,)	
Conduits, and Rights-of-Way by Public)	Case No. 13-579-AU-ORD
Utilities)	
)	
)	
)	

REPLY COMMENTS OF ONECOMMUNITY

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I. INTRODUCTION

Pursuant to the Public Utilities Commission of Ohio (“Commission”) Entry dated July 22, 2013, OneCommunity (“OC”) hereby submits the following Reply Comments in response to the Commission’s consideration of the proposed rules of Chapter 4901:1-3 of the Ohio Administrative Code regarding access to poles, ducts, conduits, and rights-of-way provided by public utilities. OC submits these Reply Comments to reaffirm its position that the Commission should establish a base set of uniform rates, terms, and conditions that applies to all attaching entities regardless of industry classification.

II. ONECOMMUNITY REAFFIRMS ITS POSITIONS SET FORTH IN ITS INITIAL COMMENTS FILED WITH THE COMMISSION JULY 12, 2013.

OC is appreciative of the Commission’s time and consideration, as well as its desire to craft a sustainable and fair regulatory policy addressing such access. However, OC would again like to emphasize the need for the Commission to promulgate rules that are streamlined to assure that companies providing broadband services, such as OC, can do so in a timely manner, and also establish a single set of uniform rates that apply to all attaching entities.

One comment that OC previously discussed in significant detail was the concept of convergence. Convergence, in its simplest terms, is the combining of three separate business lines: phones, cable TV, and internet. While the term “convergence” may not have been included in their original filings, many of the initial comments filed by the various commenting parties touched on this concept.

For example, Fiber Technologies Networks, LLC (“Fibertech”), Data Recovery Services, LLC (“DRS”), Frontier North, Inc. (“Frontier”), and the Ohio Cable Telecommunications Association (“OCTA”) each set forth a similar position to OC. Specifically, that the Commission should adopt a rate structure that is uniform regardless of an entity’s business classification (i.e.,

ILEC, CLEC, Cable Television Provider) and applies to all entities who desire to access poles, ducts, conduits, and/or rights-of-way provided by public utilities. This position essentially summarizes OC's convergence argument. As OC previously commented, the important issue is not what particular line of business the pole attacher is in, but the key issue is what burden does the attachment put on the poles? Pole attachment rules should be agnostic regarding the type or format of data, video and voice being transmitted via the line attached to the pole. The only issue of any importance is the cost/burden the attachments place upon the pole owner. Accordingly, all attachers should be treated equally.

Additionally, OC also agrees with the positions taken by Fibertech, DRS, and OCTA in their initial comments advocating for clear timelines for the processing of pole attachment requests and ensuring timely completion of such requests. OC also favors the positions taken in support of the proposition that the "cost-causer" should bear its proportionate share of costs associated with pole attachments. This proposition is supported by nearly every non-utility which provided comments in this proceeding as well.

Accordingly, OC restates and reaffirms its position that the Commission should adopt and establish a base set of uniform rates, terms, and conditions that applies to all attaching entities regardless of industry classification. Allowing for non-discriminatory access to poles, ducts, conduits, and rights-of way, as well as the establishment of a universal time requirement and rate structure is essential to the deployment of high-speed broadband.

III. CONCLUSION

OC respectfully requests that the Commission take the aforementioned concerns and issues under advisement to ensure that proposed Chapter 4901:1-3 creates a fair and just policy regarding pole attachments in Ohio. Ensuring fair access and rates for attaching entities will significantly help to foster the continued deployment of broadband within Ohio..

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon the parties of record listed below this 29 day of August, 2013 via electronic transmission.

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Summary: Reply electronically filed by Mr. Christopher W. Michael on behalf of OneCommunity