

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,) Case No. 13-579-AU-ORD
Conduits, and Rights-of-Way by Public)
Utilities.)

ENTRY

The Commission finds:

- (1) Pursuant to its July 30, 2014 Finding and Order in this case, the Commission adopted Ohio Adm.Code 4901:1-3-04 requiring that a single pole attachment rate formula be adopted consistent with the cable television (CATV) rate formula and allocated based on the percentage of usable space occupied by the attachment. Additionally, the Commission concluded that the current Federal Communications Commission (FCC) presumptive inputs for the pole attachment be adopted for the purpose of calculating the single rate formula. The Commission noted that these presumptions are rebuttable and that parties may challenge these presumptions in the future on a case-by-case basis through the filing of a complaint case.

Additionally, the Commission determined that, with respect to the calculation of conduit occupancy rates, the definitions, assumptions, and methodologies set forth in 47 C.F.R. 1.1409(e)(3) should be adopted, including those related to net conduit investment and carrying charge rates.

- (2) The Commission stated that the issue of filing tariffs that are consistent with the adopted rule would be addressed in a future entry. In order to allow for the timely review and implementation of the requisite pole attachment and conduit occupancy tariff revisions, the Commission now directs all affected telephone company and electric distribution utility pole owners to each file the appropriate company-specific tariff amendment application, including the applicable calculations based on 2014 data, on or before May 1, 2015. Consistent with the Commission's June 4, 2014 Opinion and Order in Case No. 13-1690-WW-AIR, *In re Camplands Water LLC*, a FCC rate of

return company may use ten percent as its default cost of capital for the purposes of its calculations or make the appropriate company-specific demonstration based on its unique circumstances. FCC price cap carriers should use their respective weighted average cost of capital in their requisite calculations. The electric utilities should use the most recently approved cost of capital from their last respective rate case.

- (3) Unless otherwise suspended by the Commission, the tariff revisions, including new rates, shall be automatically effective July 1, 2015.
- (4) For those pole owners that fail to file the requisite applications on a timely basis, the applicable effective pole attachment rates will be "presumed" as unjust and unreasonable and collected subject to refund based upon the Commission's final decision in a future compliance proceeding.

It is, therefore,

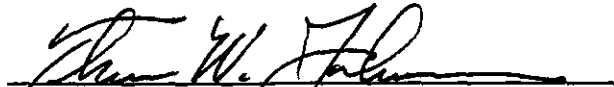
ORDERED, That each telephone company and electric distribution utility pole owner file an application to amend its tariff in accordance with Finding (2). It is, further,


ORDERED, That the tariff amendment applications shall be effective in accordance with Finding (3). It is, further,

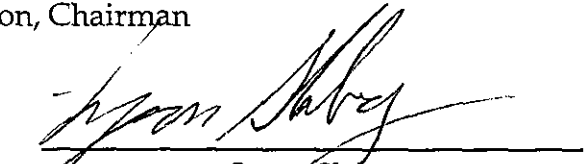
ORDERED, That those pole owners that fail to file the requisite application to amend their pole attachment rates shall be subject to the treatment discussed in Finding (4). It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

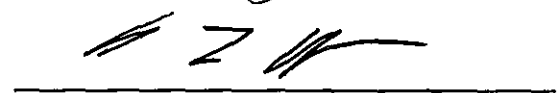
THE PUBLIC UTILITIES COMMISSION OF OHIO


Thomas W. Johnson, Chairman


Steven D. Lesser


Lynn Slaby

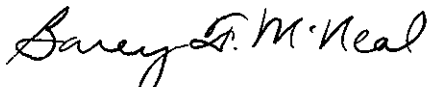

M. Beth Trombold


Asim Z. Haque

JSA/dah

Entered in the Journal

FEB 25 2015


Barcy F. McNeal
Secretary