

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Windstream Western Reserve Inc. to Add)	
Language and Rates for Access to Poles,)	Case No. 15-951-TP-ATA
Ducts, Conduits and Rights-of-Way by)	
Public Utilities to the Access Tariff.)	

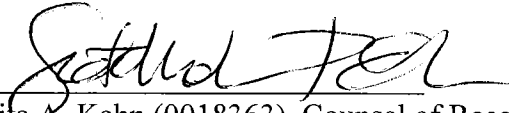
**MOTION TO INTERVENE OF
THE OHIO CABLE TELECOMMUNICATIONS ASSOCIATION**

The Ohio Cable Telecommunications Association (“OCTA”), representing the interests of Ohio’s cable television and telecommunications industry, moves for intervention in the above-styled proceeding as a full party of record pursuant to Section 4903.221, Revised Code, Rule 4901-1-11, Ohio Administrative Code, and the April 22, 2015 Entry of the Public Utilities Commission of Ohio (“Commission”).¹ Supporting reasons are set forth in the accompanying Memorandum in Support.

WHEREFORE, the OCTA respectfully requests that the Commission grant this motion to intervene and make the OCTA a full party of record.

¹ The April 22, 2015 Entry of the Public Utilities Commission of Ohio was issued in *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 Utilities*, Case No. 13-579-AU-ORD.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Benita A. Kahn", written over a horizontal line.

Benita A. Kahn (0018363), Counsel of Record

Stephen M. Howard (0022421)

Gretchen L. Petrucci (0046608)

VORYS, SATER, SEYMOUR AND PEASE LLP

52 East Gay Street

Columbus, Ohio 43216-1008

Tel. (614) 464-6487

bakahn@vorys.com

smhoward@vorys.com

glpetrucci@vorys.com

*Attorneys for the Ohio Cable Telecommunications
Association*

**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE OF
THE OHIO CABLE TELECOMMUNICATIONS ASSOCIATION**

Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, establish the standard for intervention in the above-styled proceeding. Rule 4901-1-11, Ohio Administrative Code, states in part:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

* * *

(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

In addition to establishment of a direct interest, the factors that the Public Utilities Commission of Ohio ("Commission") considers in implementing the above rule are the nature of the intervenor's interest, the extent that interest is represented by existing parties, the intervenor's potential contribution to a just and expeditious resolution of the issues involved, and whether intervention would result in an undue delay of the proceeding. *See, also*, Section 4903.221(B), Revised Code, upon which the above rule is authorized. A review of these factors in light of following facts supports granting the OCTA's intervention in this matter.

On July 30, 2014, as revised on October 15, 2014, the Commission adopted in *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 Utilities*, Case No. 13-579-AU-ORD, new administrative rules in Chapter 4901:1-3, Ohio Administrative Code, regarding access to poles, ducts, conduits, and rights-of-way of the public utilities. On February 25, 2015, as revised on April 22, 2015, the Commission ordered all public utility pole owners in Ohio to file amended

tariffs that correspond with the Commission's newly adopted administrative rules.² At the same time, the Commission established August 1, 2015, as the deadline for filing motions to intervene and comments in the tariff application dockets.

Windstream Western Reserve, Inc. ("Windstream") filed its tariff application on May 15, 2015, in this docket. The OCTA seeks to intervene in this proceeding. The OCTA will file its objections to Windstream's application by the August deadline.

The OCTA represents the cable television and telecommunications industry in the Ohio. The OCTA's members have existing and potential business interests in the State and, in particular, in Windstream's service territory, which will be directly and substantially affected by the outcome of this proceeding. Access to the poles, conduits and rights-of-way of Ohio's public utilities is a vitally important aspect of the OCTA's members' provision of services in Ohio. More specifically, that access is essential for the OCTA's members to provide a variety of communications services, including video, voice, and Internet access services, in Windstream's service territory. The OCTA and its members, therefore, have a significant stake in ensuring that Windstream's application in this matter fully complies with the Commission's newly adopted administrative rules in Chapter 4901:1-3, Ohio Administrative Code.

Moreover, as the Commission is reviewing multiple pole attachment tariff proposals by all of the public utility pole owners in Ohio at this time, the Commission's decision in this matter could affect not only Windstream's tariffs, but also have a bearing on what is considered as the appropriate inputs to develop pole attachment tariffs for other public utilities. The OCTA seeks to intervene in this case to protect the interests of its members. The OCTA's motion is being timely filed.

² *Poles, Ducts, etc., supra.*

In addition, the OCTA is a knowledgeable association with extensive experience in Ohio and in previous rate proceedings involving pole attachment and conduit occupancy rates. The OCTA will contribute to a just and expeditious resolution of the issues involved, and its intervention will not result in an undue delay of the proceeding. Finally, the OCTA's interests are not represented by any other party in this proceeding.

WHEREFORE, for all of the foregoing reasons, the OCTA respectfully requests that the Commission grant this motion to intervene and that the OCTA be made a full party of record.

Respectfully Submitted,



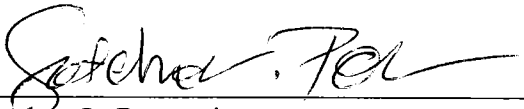
Benita A. Kahn (0018363), Counsel of Record
Stephen M. Howard (0022421)
Gretchen L. Petrucci (0046608)
VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
Columbus, Ohio 43216-1008
Tel. (614) 464-6487
bakahn@vorys.com
smhoward@vorys.com
glpetrucci@vorys.com

*Attorneys for the Ohio Cable Telecommunications
Association*

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served (via electronic mail) on the 2nd day of July 2015 upon the persons listed below.

Christopher Cranford at Christopher.L.Cranford@windstream.com



Gretchen L. Petrucci

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/2/2015 4:54:32 PM

in

Case No(s). 15-0951-TP-ATA

Summary: Motion to Intervene electronically filed by Mrs. Gretchen L. Petrucci on behalf of Ohio Cable Telecommunications Association