

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application to Establish a	)	Case No.15-0968-TP-ATA
Pole Attachment and Conduit Occupancy	)	
Tariff for The Orwell Telephone Company	)	90-5033-TP-TRF
d/b/a Fairpoint Communications	)	

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**REVIEW AND RECOMMENDATION  
SUBMITTED ON BEHALF OF THE STAFF OF  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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On May 15, 2015, The Orwell Telephone Company d/b/a Fairpoint Communications filed an ATA seeking to introduce a pole attachment tariff. In this filing, the Applicant is proposing to introduce an initial pole attachment tariff that is in compliance with Ohio Admin. Code 4901:1-3 as adopted in the July 30, 2014 Finding and Order in Case No. 13-0579-TP-ORD.

Pursuant to Ohio Admin. Code 4901:1-3-04, the rates, terms, and conditions for nondiscriminatory access to poles, ducts, conduits and right-of-way of a telephone are established through tariffs; the Commission must determine whether a rate, term, or condition is just and reasonable. A rate is just and reasonable if it assures a utility the recovery of not less than the additional costs of providing pole attachments, nor more than an amount determined by multiplying the percent of the total usable space on a pole, or the percentage of the total duct or conduit capacity, which is occupied by the pole attachment by the sum of the operating expenses and actual capital costs of the public utility attributable to the entire pole, duct, conduit, or right-of-way. The Commission shall apply: (1) the formula set forth in 47 C.F.R. 1.1409(e)(1) for determining a maximum just and reasonable rate for pole attachments; and (2) the formula set forth in 47 C.F.R. 1.1409(e)(3) for determining a maximum just and reasonable rate for conduit occupancy.

The Staff has reviewed all documents and exhibits filed, as amended, with this application and has determined that the proposed pole attachment and conduit occupancy tariff appears to satisfy the Commission's requirements set forth in Ohio Admin. Code 4901:1-3. As such, Staff recommends that this application be approved with an effective date of September 1, 2015, pursuant to the Commission's April 22, 2015 Entry in Case No. 13-0579-TP-ORD.

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 15-0968-TP-ATA**

Summary: Staff Review and Recommendation electronically filed by Ms. Elizabeth C Stevens  
on behalf of Public Utilities Commission of Ohio