

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC. TO AMEND ITS
POLE ATTACHMENT AND CONDUIT
OCCUPANCY TARIFF, P.U.C.O. No. 1.

CASE No. 15-965-EL-ATA

ENTRY ON REHEARING

Entered in the Journal on June 7, 2017

I. SUMMARY

{¶ 1} The Commission grants the application for rehearing filed by The Ohio Cable Telecommunications Association of the April 12, 2017 Entry for the purpose of further consideration of the matters specified in the applications for rehearing.

II. DISCUSSION

{¶ 2} On April 12, 2017, the Commission issued an Entry approving the tariff filing of Duke Energy Ohio, Inc. (Duke Energy) and indicated that the tariff was effective as of the date of filing on October 11, 2016, inasmuch as it is consistent with the Commission's September 7, 2016 Finding and Order, as clarified in the October 5, 2016 Entry Nunc Pro Tunc.

{¶ 3} R.C. 4903.10 states that any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined in that proceeding by filing an application within 30 days after the entry of the order upon the journal of the Commission.

{¶ 4} The Ohio Cable Telecommunications Association (OCTA) was granted intervention in this proceeding on August 7, 2015.

{¶ 5} On May 12, 2017, OCTA filed an application for rehearing of the April 12, 2017 Entry contending that it was unjust and unreasonable for the Commission to grant a retroactive rate increase. Additionally, OCTA submits that it was unjust and unreasonable for the Commission to substitute the newly approved tariff terms

conditions, and charges for the lawful terms, conditions, and charges specified in the tariff on file and in effect in the prior period. Further, OCTA asserts that it was unjust and unreasonable for the Commission not to clarify in its April 12, 2017 Entry that Duke Energy is not authorized to charge the new rates prior to the date on which the newly approved tariff was on file with the Commission.

{¶ 6} On May 22, 2017, Duke Energy filed a memorandum contra OCTA's application for rehearing.

{¶ 7} The Commission believes that sufficient reason has been set forth by OCTA, to warrant further consideration of the matters specified in the applications for rehearing. Accordingly, the application for rehearing should be granted for the limited purpose of further consideration of the matters raised.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the application for rehearing filed by OCTA be granted for further consideration of the matters specified in the applications for rehearing. It is, further,

{¶ 10} ORDERED, That the relevant rate changes be stayed until ordered otherwise. It is, further,

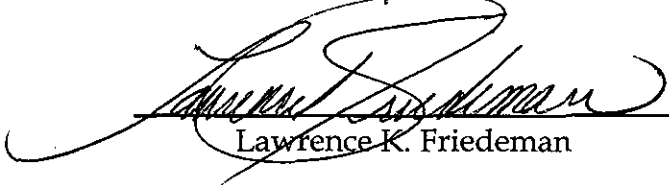
{¶ 11} ORDERED, That a copy of this Entry on Rehearing be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

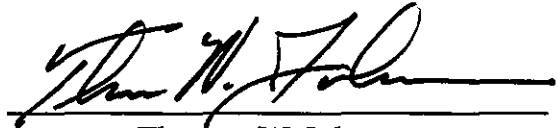


Asim Z. Haque, Chairman

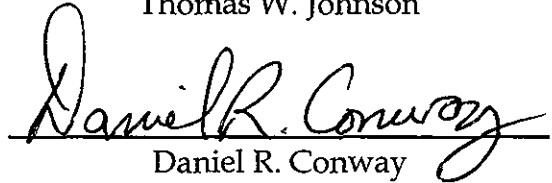
M. Beth Trombold



Lawrence K. Friedeman



Thomas W. Johnson

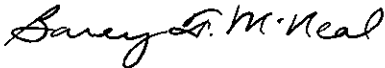


Daniel R. Conway

JSA/dah

Entered in the Journal

JUN 07 2017



Barcy F. McNeal
Secretary