

## **THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE APPLICATION OF  
THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY FOR  
APPROVAL OF A TARIFF CHANGE.**

**CASE No. 18-563-EL-ATA**

**IN THE MATTER OF THE APPLICATION OF  
OHIO EDISON COMPANY FOR APPROVAL  
OF A TARIFF CHANGE.**

**CASE No. 18-564-EL-ATA**

**IN THE MATTER OF THE APPLICATION OF  
THE TOLEDO EDISON COMPANY FOR  
APPROVAL OF A TARIFF CHANGE.**

**CASE No. 18-565-EL-ATA**

### **ENTRY ON REHEARING**

Entered in the Journal on August 29, 2018

#### **I. SUMMARY**

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

#### **II. DISCUSSION**

{¶ 2} The Cleveland Electric Illuminating Company (CEI), Ohio Edison Company (Ohio Edison), and The Toledo Edison Company (Toledo Edison) are each an electric company as defined in R.C. 4905.03 and a public utility as defined in R.C. 4905.02, and, as such, are subject to the jurisdiction of the Commission.

{¶ 3} On May 1, 2018, CEI filed an application in Case No. 18-563-EL-ATA seeking to revise its pole attachment rates as a result of utilizing 2017 Federal Energy Regulatory Commission (FERC) data

{¶ 4} On May 1, 2018, Ohio Edison filed an application in Case No. 18-564-EL-ATA seeking to revise its pole attachment rates as a result of utilizing 2017 FERC data.

{¶ 5} On May 1, 2018, Toledo Edison filed an application in Case No. 18-565-EL-ATA seeking to revise its pole attachment rates as a result of utilizing 2017 FERC data.

{¶ 6} Consistent with the approval process established in in the November 30, 2016 Entry in Case No. 13-579-AU-ORD (13-579), these cases were automatically approved on June 30, 2018, with an effective date of July 1, 2018.

{¶ 7} On May 22, 2018, The Ohio Cable Telecommunications Association (OCTA) filed a motion to intervene in each of these cases. In support of its motions to intervene, OCTA submits that it has members who have existing and potential business interests in the service territories of CEI, Ohio Edison, and Toledo Edison. Specifically, OCTA asserts that pole and conduit access is essential for its members to provide a variety of communications services, including video, voice, and Internet access services in CEI's service territory. Therefore, OCTA avers that it and its members have a direct and significant stake in ensuring that the new proposed rates fully comply with the Commission's rules set forth in Ohio Adm.Code Chapter 4901:1-3 and are just and reasonable. According to OCTA, its interests are not represented by any other party in this proceeding. OCTA states that its intervention will contribute to a just and expeditious resolution of the issues involved in this proceeding and will not result in an undue delay.

{¶ 8} OCTA's motion to intervene is reasonable and should be granted.

{¶ 9} Also on May 22, 2018, OCTA filed objections to the applications filed in the respective cases.

{¶ 10} On June 22, 2018, CEI, Ohio Edison, and Toledo Edison each filed responses to OCTA's objections in the respective cases.

{¶ 11} 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.

{¶ 12} On July 30, 2018, OCTA filed an application for rehearing in each of the respective cases. In support of its applications for rehearing, OCTA contends that it was unjust and unreasonable for the Commission to automatically approve the pole attachment rates proposed by CEI, Ohio Edison, and Toledo Edison without investigating whether the rate calculation properly included a significantly reduced amount of accumulated deferred taxes which was made as an accounting change. OCTA also contends that it was unjust and unreasonable for the Commission to automatically approve the proposed pole attachment rates while the Commission is still investigating, in Case No. 18-47-AU-COI, how the rates are affected by the Tax Cuts and Jobs Act of 2017 (TCJA) and what the proper treatment of excess accumulated deferred income taxes created by the TCJA should be for the purposes of the pole attachment formula. Finally, OCTA contends that in automatically approving the new pole attachment rate, it was unjust and unreasonable for the Commission to not grant its motion to strike and, instead, rely on the improper response filed by CEI on June 22, 2018.

{¶ 13} On August 9, 2018, CEI, Ohio Edison and Toledo Edison each filed a memorandum contra the respective applications for rehearing.

{¶ 14} The Commission finds that the applications for rehearing filed by OCTA should be granted for further consideration of the matters specified in the applications for rehearing.

### III. ORDER

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That OCTA's motions for intervention be granted in the respective cases. It is, further,

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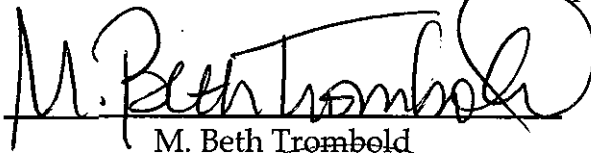
{¶ 17} ORDERED, That the applications for rehearing be granted for further consideration of the matters specified in the respective applications for rehearing. It is, further,

{¶ 18} ORDERED, That a copy of this Entry on Rehearing be served upon each party of record.

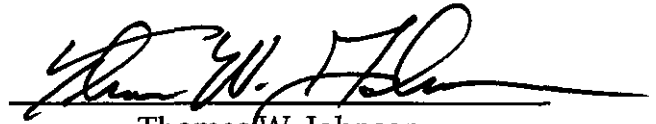
THE PUBLIC UTILITIES COMMISSION OF OHIO



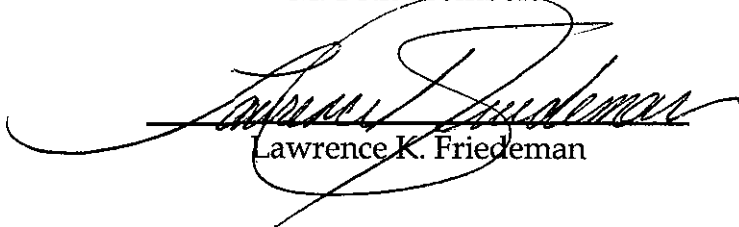
Asim Z. Haque, Chairman



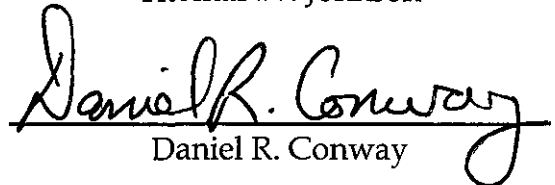
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

JSA/hac  
Entered in the Journal

AUG 29 2018



Barcy F. McNeal  
Secretary