

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)	
Toledo Edison Company for Approval of)	Case No. 19-1039-EL-ATA
a Tariff Change)	

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

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

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

Respectfully submitted,

/s/ Gretchen L. Petrucci

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**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*, Section 4903.221(B), Revised Code, upon which the above rule is authorized. A review of these factors in light of the following facts supports granting the OCTA's intervention in this matter.

The Toledo Edison Company ("Toledo Edison") filed an application on October 31, 2019, in Case No. 19-1039-EL-ATA to increase the rate it charges for pole attachments and change tariff language. That application is subject to the Commission-established automatic approval process. *See, 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, Entry at ¶ 17 (November 30, 2016).

The OCTA represents the cable telecommunications industry in Ohio. The OCTA's members have existing and potential business interests in the State and, in particular, in Toledo Edison'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 their own services in Ohio. More specifically, pole access is essential for the OCTA's members to provide a variety of communications services, including video, voice, and Internet access services in Toledo Edison's service territory. The OCTA and its members, therefore, have a direct and significant stake in ensuring that Toledo Edison's rate and tariff language fully comply with the Commission's adopted administrative rules in Chapter 4901:1-3, Ohio Administrative Code, and are just and reasonable. The Commission's decision in this matter could affect not only Toledo Edison's tariffs, but also have a bearing on what is considered appropriate for other utility pole owners in Ohio.

The OCTA seeks to intervene in this case to protect the interests of its members. The OCTA's motion is timely filed. In addition, the OCTA is a knowledgeable association with extensive experience in Ohio and in previous proceedings involving pole attachment and conduit occupancy rates. The OCTA intervened and participated in the Commission's rule reviews (Case Nos. 13-579-AU-ORD and 19-834-AU-ORD) and in prior similar cases of Toledo Edison (Case Nos. 15-975-EL-ATA and 18-565-EL-ATA). The OCTA will contribute to a just and expeditious resolution of the issues involved in this proceeding, 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,

/s/ Gretchen L. Petrucci

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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 21st day of November 2019 upon the persons listed below.

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