

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of Ohio</b>	)	
<b>Power Company for an Increase in</b>	)	<b>Case No. 20-585-EL-AIR</b>
<b>Electric Distribution Rates.</b>	)	
<b>In the Matter of the Application of Ohio</b>	)	<b>Case No. 20-586-EL-ATA</b>
<b>Power Company for Tariff Approval.</b>	)	
<b>In the Matter of the Application of Ohio</b>	)	
<b>Power Company for Approval to Change</b>	)	<b>Case No. 20-587-EL-AAM</b>
<b>Accounting Methods.</b>	)	

**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 proceedings as a full party of record pursuant to Revised Code Section 4903.221 and Ohio Administrative Code 4901-1-11. 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**

Revised Code (“R.C.”) Section 4903.221 and Ohio Administrative Code (“Ohio Adm.Code”) 4901-1-11 establish the standard for intervention in the above-styled proceedings. Ohio Adm.Code 4901-1-11 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* R.C. 4903.221(B), 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.

In this proceeding, Ohio Power Company (“AEP”) seeks approval to increase its electric distribution rates. AEP also proposes to change some terms and conditions in its tariffs. AEP proposes to retain other tariffs as is, including its pole attachment tariff and rate. Staff has recommended, however, that AEP’s pole attachment rate be changed. Staff Report at 28-29, 127 (docketed November 25, 2020). Staff calculated and proposed a new pole attachment rate of \$9.38 per pole per year. *Id.*

The OCTA represents the cable telecommunications industry in Ohio. The OCTA

members have existing and potential business interests in the State and in particular in AEP's service territory, which could be directly and substantially affected by the outcome of this proceeding. The OCTA and its members, therefore, have a direct and significant stake in ensuring that AEP's pole attachment terms and conditions, including the rate, fully comply with the Commission's adopted administrative rules in Ohio Adm.Code Chapter 4901:1-3 and are just and reasonable. The OCTA has participated in prior Commission proceedings affecting this utility's pole attachment rates. *See, e.g., In the Matter of the Commission's Review of Ohio Adm.Code Chapter 4901:1-3, Concerning Access to Poles, Ducts, Conduits, and Rights-of-Way* Case No. 19-834-AU-ORD; *In the Matter of Ohio Power Company's Implementation of the Tax Cuts and Jobs Act of 2017*, Case Nos. 18-1007-EL-UNC et al; *In the Matter of the Application of Ohio Power Company to Amend its Pole Attachment Tariff*, Case No. 15-974-EL-ATA; and *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.

The OCTA satisfies the intervention requirements above. First, the OCTA seeks to intervene to protect the interests of its members. The OCTA has a direct interest to ensure that AEP's pole attachment rate and its tariffs are just and reasonable. Second, the OCTA's motion is timely filed. Third, as a knowledgeable association with extensive experience in Ohio, the OCTA will contribute to a just and expeditious resolution of the issues involved in this proceeding. Fourth, its intervention will not result in an undue delay of the proceeding. Finally, the OCTA's unique 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 in these proceedings.

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 certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 18th day of December 2020 upon all persons/entities listed below:

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