**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Adoption of Chapter )

4901:1-3, Ohio Administrative Code, ) Case No. 13-579-AU-ORD

Concerning Access to Poles, Ducts, Conduits, )

And Rights-of-Way Provided by Public Utilities. )

**MOTION FOR EXTENSION OF TIME TO FILE REPLY COMMENTS**

**AND MEMORANDUM IN SUPPORT OF THE OHIO TELECOM ASSOCIATION**

Scott E. Elisar

(Counsel of Record)

McNees Wallace & Nurick LLC

21 E. State Street, 17th Floor

Columbus, Ohio 43215

(614) 719-2850 (Direct Dial)

(614) 395-3925 (Mobile)

(614) 469-4653 (Fax)

selisar@mwncmh.com

**July 22, 2013** **Attorney for the Ohio Telecom Association**

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Adoption of Chapter )

4901:1-3, Ohio Administrative Code, ) Case No. 13-579-AU-ORD

Concerning Access to Poles, Ducts, Conduits, )

And Rights-of-Way Provided by Public Utilities. )

**MOTION FOR EXTENSION OF TIME TO FILE REPLY COMMENTS**

**OF THE OHIO TELECOM ASSOCIATION**

Pursuant to Rule 4901-1-12 and 4901-1-13, Ohio Administrative Code (O.A.C.), the Ohio Telecom Association (“OTA”) on behalf of its member companies, submits to the Public Utilities Commission of Ohio (“Commission”) this Motion for Extension of Time to File Reply Comments. Initial comments in this proceeding were filed on July 12, 2013, with reply comments due to be filed on July 30, 2013.

Respectfully, the OTA hereby requests that the due date for reply comments be extended by thirty days. The reasons for this motion are set forth in the accompanying Memorandum in Support.

 Respectfully submitted,

/s/ Scott E. Elisar

Scott E. Elisar

(Counsel of Record)

McNees Wallace & Nurick LLC

21 E. State Street, 17th Floor

Columbus, Ohio 43215

(614) 719-2850 (Direct Dial)

(614) 395-3925 (Mobile)

(614) 469-4653 (Fax)

selisar@mwncmh.com

 **Attorney for the Ohio Telecom Association**

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Adoption of Chapter )

4901:1-3, Ohio Administrative Code, ) Case No. 13-579-AU-ORD

Concerning Access to Poles, Ducts, Conduits, )

And Rights-of-Way Provided by Public Utilities. )

**MEMORANDUM IN SUPPORT**

On May 15, 2013, the Commission issued an Entry in Case No. 13-579-AU-ORD, *In the Matter of the Adoption of Chapter 4901:1-3, Ohio Administrative Code, Concerning Access to Poles, Ducts, Conduits and Rights-of-Way Provided by Public Utilities*.  Per this Entry, the Commission ordered all interested parties to file comments and reply comments on the proposal. Per the Commission’s June 4, 2013 Entry, initial comments were due by July 12, 2013, with reply comments due by July 30, 2013.

The more than two hundred pages of initial comments submitted by twelve parties in this proceeding on July 12, 2013, reveal the depth and complexity associated with the Commission’s proposed rules. As such, additional time is required so that the parties engaged in this proceeding may be able to provide the necessary and appropriate level of legal analysis that is required to diligently formulate reply comments in this important matter.

For the reasons stated above, respectfully, the OTA hereby requests that the due date for reply comments be extended by thirty days.

Respectfully submitted,

/s/ Scott E. Elisar

Scott E. Elisar

(Counsel of Record)

McNees Wallace & Nurick LLC

21 E. State Street, 17th Floor

Columbus, Ohio 43215

(614) 719-2850 (Direct Dial)

(614) 395-3925 (Mobile)

(614) 469-4653 (Fax)

selisar@mwncmh.com

 **Attorney for the Ohio Telecom Association**

#### Certificate of Service

I hereby certify that a copy of the foregoing *Motion for Extension of Time to File Reply Comments and Memorandum in Support of the Ohio Telecom Association* was served upon the following parties of record this 22nd day of July, 2013, *via* electronic transmission.

 /s/ Scott E. Elisar

Scott E. Elisar

Jon F. Kelly

AT&T Services, Inc.

150 East Gay St., Rm. 4-A

Columbus, OH 43215

jk2961@att.com

**On Behalf of AT&T Services, Inc.**

Gregory J. Dunn

Christopher L. Miller

Chris W. Michael

Ice Miller LLP

250 West Street

Columbus, OH 43215

Gregory.dunn@icemiller.com

Christopher.miller@icemiller.com

Chris.michael@icemiller.com

**On Behalf of Data Recovery Services LLC; the City of Dublin; OneCommunity**

Amy B. Spiller

Elizabeth H. Watts

Duke Energy Ohio, Inc.

139 East Fourth Street

Cincinnati, OH 45201

Amy.spiller@duke-energy.com

Elizabeth.watts@duke-energy.com

**On Behalf of Duke Energy Ohio, Inc.**

Randall V. Griffin

The Dayton Power and Light Company

2065 Woodman Dr.

Dayton, OH 45432

Randall.griffin@aes.com

**On Behalf of The Dayton Power and Light Compan**y

James W. Burk

Carrie M. Dunn

FirstEnergy Service Company

76 S. Main Street

Akron, OH 44308

burkj@firstenergycorp.com

cdunn@firstenergycorp.com

**On Behalf of Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company**

Steven T. Nourse

Matthew J. Satterwhite

American Electric Power Service Corporation

1 Riverside Plaza – 29th Floor

Columbus, OH 43215

stnourse@aep.com

mjsatterwhite@aep.com

**On Behalf of Ohio Power Company**

Kimberly W. Bojko

Rebecca L. Hussey

Mallory M. Mohler

Carpenter Lipps & Leland LLP

280 North High Street

Suite 1300

Columbus, OH 43215

bjoko@carpenterlipps.com

hussey@carpenterlipps.com

mohler@carpenterlipps.com

**On Behalf of Fiber Technologies Networks, L.L.C**

Cassandra Cole

Frontier North Inc.

1300 Columbus Sandusky Road North

Marion, OH 43302

Cassandra.cole@ftr.com

**On Behalf of Frontier North Inc.**

Benita Kahn

Stephen M. Howard

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street

Columbus, OH 43216-1008

bakahn@vorys.com

smhoward@vorys.com

Gardner F. Gillespie

John Davidson Thomas

Sheppard Mullin Richter & Hampton

1300 I Street NW, 11th Floor East

Washington, DC 20005-3314

ggillespie@sheppardmullin.com

dthomas@sheppardmullin.com

**On Behalf of the Oho Cable Telecommunications Association**

D. Zachary Champ

Jonathan M. Campbell

Alexander B. Reynolds

500 Montgomery St., Suite 500

Alexandria, VA 22314

**On Behalf of PCIA - The Wireless Infrastructure Association and the HetNet Forum**

Thomas J. O'Brien

Bricker & Eckler LLP

100 South Third Street

Columbus, OH 43215-4291

tobrien@bricker.com

**On Behalf of tw telecom of ohio llc**

Dylan T. DeVito

Zayo Group LLC

1805 29th Street

Boulder, CO 80301

**On Behalf of the Zayo Group LLC**

William Wright

Office of the Ohio Attorney General

Public Utilities Section

180 E. Broad Street, 6th Floor

Columbus, OH 43215

William.wright@puc.state.oh.us

Jay S. Agranoff

Attorney Examiner

Public Utilities Commission of Ohio

180 East Broad Street

Columbus, OH 43215

Jay.agranoff@puc.state.oh.us