


**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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)	Case No. 13-579-AU-ORD
Utilities)	
)	
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)	

INITIAL COMMENTS OF THE CITY OF DUBLIN, OHIO



Gregory J. Dunn (0007353)
(Counsel of Record)
Direct Dial: (614) 462-2339
E-mail: Gregory.Dunn@icemiller.com
Chris W. Michael (0086879)
Direct Dial: (614) 462-1148
E-mail: Chris.Michael@icemiller.com
Ice Miller LLP
250 West Street
Columbus, Ohio 43215

Attorneys for the City of Dublin, Ohio

TABLE OF CONTENTS

I. INTRODUCTION	3
II. THE CITY OF DUBLIN SUPPORTS THE COMMISSION’S EFFORTS TO STREAMLINE POLE ATTACHMENT AND CONDUIT RULES IN A WAY THAT DOES NOT ADVERSELY IMPACT MUNICIPAL EFFORTS TO PROMOTE BROADBAND.	3

I. INTRODUCTION

On April 3, 2013, the Public Utilities Commission of Ohio (“Commission”) issued an Entry by which it gave notice that it was considering adopting a new chapter of rules in the Ohio Administrative Code specifically dedicated to access to poles, ducts, conduits, and rights-of-way provided by public utilities. This Entry further gave notice that Commission Staff would hold a workshop on April 17, 2013 to consider the proposed rules. Subsequently, on May 15, 2013, the Commission issued another Entry releasing the proposed rules of Chapter 4901:1-3 of the Ohio Administrative Code and inviting comments on said rules by June 14, 2013. This deadline was later amended to July 12, 2013. It is pursuant to this invitation that the City of Dublin, Ohio (“Dublin”) now submits the following comments in response to the proposed rules of Chapter 4901:1-3 of the Ohio Administrative Code.

II. THE CITY OF DUBLIN SUPPORTS THE COMMISSION’S EFFORTS TO STREAMLINE POLE ATTACHMENT AND CONDUIT RULES IN A WAY THAT DOES NOT ADVERSELY IMPACT MUNICIPAL EFFORTS TO PROMOTE BROADBAND.

The City of Dublin owns approximately 125 miles of fiber optic cable contained in a conduit that the city also owns. In addition, the City of Dublin manages hundreds of miles of right of way and has licensed the operation of a wi-fi network within Dublin. Dublin has been a national leader regarding making broadband available to its businesses and citizens. In addition to the Dublin fiber optic network known as Dublink, three private video service companies and eight CLECs are currently operational within the boundaries of Dublin.

Dublin has won numerous awards for its promotion of high-speed broadband. The Intelligent Community Forum has selected the City of Dublin to be in the top seven worldwide intelligent communities for both 2010 and 2011. Dublin also is a member of the White House and the National Science Foundation’s US Ignite Program where Dublin, along with OARnet,

recently won an award for the development of high bandwidth applications for advanced manufacturing. OARnet 100-gigabit fiber optic systems, championed by Governor Kasich, has a termination point within Dublin.

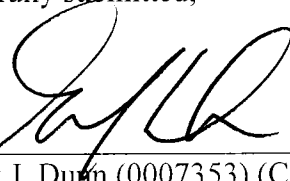
Dublin supports the efforts of the Public Utilities Commission to modernize its rules regarding pole attachments and conduits so as to promote the build-out and construction of more and better fiber optic connection throughout the State of Ohio.

The City of Dublin has utilized its constitutional, statutory and administrative rights to promote the creation and operation of broadband services. The results of these efforts have been a great success for Dublin especially in the area of economic development and jobs. Therefore, it is gratifying for Dublin to see that the PUCO in its proposed rules has acknowledged that the rules will not affect municipalities by stating in 4901:1-3-03(E)(4) “Nothing in this section is intended to abridge the legal rights and obligations of municipalities and landowners.” Proposed rule 4901:1-3-03(E)(1) further states that “public utilities are subject to all constitutional, statutory and administration rights and responsibilities for use of the public rights of way.”

Therefore, the efforts of the Public Utilities Commission to streamline and improve pole attachments and conduit rules is being done in such a way as to not adversely impact the efforts of municipalities to promote broadband.

Therefore, Dublin strongly recommends that 4901:1-3-03(E) continue to be included in the proposed rules.

Respectfully submitted,



Gregory J. Dunn (0007353) (Counsel of Record)

Direct Dial: (614) 462-2339

E-mail: Gregory.Dunn@icemiller.com

Chris W. Michael (0086879)

Direct Dial: (614) 462-1148

E-mail: Chris.Michael@icemiller.com

Ice Miller LLP

250 West Street

Columbus, Ohio 43215

Attorneys for the City of Dublin, Ohio

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Summary: Comments Initial comments of the City of Dublin, Ohio electronically filed by Mr. Christopher W. Michael on behalf of City of Dublin, Ohio