

May 15, 2015

Mrs. Barcy McNeal Commission Secretary The Public Utilities Commission of Ohio 180 East Broad Street Columbus, OH 43215

SUBJECT: Case Nos. 15-975-EL-ATA

13-579-AU-ORD 89-6001-EL-TRF

Dear Mrs. McNeal:

In response to and compliance with the Order of February 25, 2015, in Case No. 13-579-AU-ORD, please file the attached tariff pages on behalf of The Cleveland Electric Illuminating Company. These tariff pages reflect changes to the Pole Attachment Tariff and its associated pages. Also enclosed is a redline version of the tariff pages and the applicable supporting calculations based on 2014 data.

Please file one copy of the tariffs in Case Nos. 15-975-EL-ATA, 13-579-AU-ORD and 89-6001-EL-TRF, and two copies to the Staff. Thank you.

Sincerely,

Eileen M. Mikkelsen

Elm M Millelow

Director, Rates & Regulatory Affairs

**Enclosures** 

# <u>PART A – RATES, TERMS AND CONDITIONS FOR POLE ATTACHMENTS</u> <u>BY CABLE TELEVISION AND PRIVATE COMMUNICATION SYSTEMS</u>

### I. Applicability and Scope

A. This Part-A of the tariff applies to any cable television or private communication system attachment to a fully-owned Company pole or to the Company controlled space on a jointly-owned pole. Attachments under this tariff shall be made pursuant to 4901:1-3, Ohio Administrative Code.

Cable television or private communication system attachments to the communication space of poles fully-owned by the Company or to the power space of poles jointly-owned by the Company where adequate communication space on such poles is not available for such attachments may be permitted under this tariff.

B. Cable television or private communication system attachments to Company poles will not be permitted where in the sole judgment of the Company the attachments will interfere with the Company's own service requirements, or will be prejudicial to the economy, safety or future needs of the Company's service or the use of its facilities by others with prior rights to such use.

### II. Limitations

- A. Attachments to poles under Part A of this tariff shall not create or vest in the cable television or private communication system any ownership or property rights in the poles affected.
- B. Attachments to poles under Part A of this tariff shall not create or vest in the cable television or private communication system any right to compel the Company to construct, retain, extend, place or maintain any poles not needed for its own service requirements.
- C. Attachments to poles under Part A of this tariff shall not relieve the cable television or private communication system from the obligation of obtaining from appropriate public authorities and private owners of real property any and all permits, franchises, licenses and grants required by law for such attachments.

# <u>PART A – RATES, TERMS AND CONDITIONS FOR POLE ATTACHMENTS</u> <u>BY CABLE TELEVISION AND PRIVATE COMMUNICATION SYSTEMS (Cont'd)</u>

### VIII. Pole Attachment Rental Fees

- A. The cable television or private communication system shall pay to the Company the following pole attachment rental fees:
  - 1. \$10.33 per year rental for each pole attachment.
  - 2. \$7.00 per year rental for each anchor attachment.

The rates contained in this tariff shall be updated on an annual basis. No later than May 1st of each year, the Company shall file with the PUCO a request for approval of the tariff charges which, unless otherwise ordered by the PUCO, shall become effective on July 1st of each year.

- B. January billing for pole and anchor attachment rental fees shall be at the rate of 50% of the annual rental fee for all attachments accepted during the preceding year, plus a 100% annual rental fee for all attachments for the current year.
- C. Attachment fees shall be due and payable annually, in advance, on the 31st day of January of each year. Failure to pay such fees within twenty (20) days after presentment of the bill or on the specified payment date, whichever is later, shall constitute a default under this tariff.
- D. If the Company finds or learns of any equipment or facilities of the cable television or private communication system on a pole for which no attachment is authorized, then the Company may take the following actions:
  - 1. The Company may require the cable television or private communication system to remove the equipment and facilities immediately, or
  - 2. The Company may remove the facilities and equipment at the cable television or private communication system's expense and without liability to the Company, or
  - 3. The Company may impose a charge and may require the cable television or private communication system to file and have processed the Company's application for pole attachment.

# PART B – RATES, TERMS AND CONDITIONS FOR POLE ATTACHMENTS BY ANY PERSON OR ENTITY OTHER THAN A PUBLIC OR MUNICIPAL UTILITY, CABLE TELEVISION OR PRIVATE COMMUNICATION SYSTEM

### I. Applicability and Scope

- A. This Part B of the tariff applies to any noncable television, nonprivate communication, nonpublic or nonmunicipal utility system attachment by any person or entity to a fully-owned Company pole or to the Company controlled space on a jointly-owned pole. Such attachments may include but are not limited to attachments by public and private persons and entities for fire and traffic signal purposes and for security purposes. Attachments under this tariff shall be made pursuant to 4901:1-3, Ohio Administrative Code.
- B. Such attachments to Company poles will not be permitted where the attachments will interfere with the Company's own service requirements, or will be prejudicial to the economy, safety or future needs of the Company's service or the use of its facilities by others with prior rights to such use.

### II. <u>Limitations</u>

- A. Attachments by any person or entity to poles under Part B of this tariff shall not create or vest in such person or entity any ownership or property rights in the poles affected.
- B. Attachments by any person or entity to poles under Part B of this tariff shall not create or vest in such person or entity any right to compel the Company to construct, retain, extend, place or maintain any poles not needed for its own service requirements.
- C. Attachments by any person or entity to poles under Part B of this tariff shall not relieve such person or entity from the obligation of obtaining from appropriate public authorities and private owners of real property any and all permits, franchises, licenses and grants required by law for such attachments.

## <u>PART A – RATES, TERMS AND CONDITIONS FOR POLE ATTACHMENTS</u> <u>BY CABLE TELEVISION AND PRIVATE COMMUNICATION SYSTEMS</u>

### I. Applicability and Scope

A. This Part-A of the tariff applies to any cable television or private communication system attachment to a fully-owned Company pole or to the Company controlled space on a jointly-owned pole.

<u>Attachments under this tariff shall be made pursuant to 4901:1-3, Ohio Administrative Code.</u>

Cable television or private communication system attachments to the communication space of poles fully-owned by the Company or to the power space of poles jointly-owned by the Company where adequate communication space on such poles is not available for such attachments may be permitted under this tariff.

B. Cable television or private communication system attachments to Company poles will not be permitted where in the sole judgment of the Company the attachments will interfere with the Company's own service requirements, or will be prejudicial to the economy, safety or future needs of the Company's service or the use of its facilities by others with prior rights to such use.

### II. Limitations

- A. Attachments to poles under Part A of this tariff shall not create or vest in the cable television or private communication system any ownership or property rights in the poles affected.
- B. Attachments to poles under Part A of this tariff shall not create or vest in the cable television or private communication system any right to compel the Company to construct, retain, extend, place or maintain any poles not needed for its own service requirements.
- C. Attachments to poles under Part A of this tariff shall not relieve the cable television or private communication system from the obligation of obtaining from appropriate public authorities and private owners of real property any and all permits, franchises, licenses and grants required by law for such attachments.

# <u>PART A – RATES, TERMS AND CONDITIONS FOR POLE ATTACHMENTS</u> <u>BY CABLE TELEVISION AND PRIVATE COMMUNICATION SYSTEMS (Cont'd)</u>

#### VIII. Pole Attachment Rental Fees

- A. The cable television or private communication system shall pay to the Company the following pole attachment rental fees:
  - 1.  $$\frac{10.33}{4.29}$  per year rental for each pole attachment.
  - 2. \$7.00 per year rental for each anchor attachment.

The rates contained in this tariff shall be updated on an annual basis. No later than May 1st of each year, the Company shall file with the PUCO a request for approval of the tariff charges which, unless otherwise ordered by the PUCO, shall become effective on July 1st of each year.

- B. January billing for pole and anchor attachment rental fees shall be at the rate of 50% of the annual rental fee for all attachments accepted during the preceding year, plus a 100% annual rental fee for all attachments for the current year.
- C. Attachment fees shall be due and payable annually, in advance, on the 31st day of January of each year. Failure to pay such fees within twenty (20) days after presentment of the bill or on the specified payment date, whichever is later, shall constitute a default under this tariff.
- D. If the Company finds or learns of any equipment or facilities of the cable television or private communication system on a pole for which no attachment is authorized, then the Company may take the following actions:
  - 1. The Company may require the cable television or private communication system to remove the equipment and facilities immediately, or
  - 2. The Company may remove the facilities and equipment at the cable television or private communication system's expense and without liability to the Company, or
  - 3. The Company may impose a charge and may require the cable television or private communication system to file and have processed the Company's application for pole attachment.

# PART B – RATES, TERMS AND CONDITIONS FOR POLE ATTACHMENTS BY ANY PERSON OR ENTITY OTHER THAN A PUBLIC OR MUNICIPAL UTILITY, CABLE TELEVISION OR PRIVATE COMMUNICATION SYSTEM

### I. <u>Applicability and Scope</u>

- A. This Part B of the tariff applies to any noncable television, nonprivate communication, nonpublic or nonmunicipal utility system attachment by any person or entity to a fully-owned Company pole or to the Company controlled space on a jointly-owned pole. Such attachments may include but are not limited to attachments by public and private persons and entities for fire and traffic signal purposes and for security purposes. <a href="Attachments under this tariff shall">Attachments under this tariff shall be made pursuant to 4901:1-3, Ohio Administrative Code.</a>
- B. Such attachments to Company poles will not be permitted where the attachments will interfere with the Company's own service requirements, or will be prejudicial to the economy, safety or future needs of the Company's service or the use of its facilities by others with prior rights to such use.

### II. <u>Limitations</u>

- A. Attachments by any person or entity to poles under Part B of this tariff shall not create or vest in such person or entity any ownership or property rights in the poles affected.
- B. Attachments by any person or entity to poles under Part B of this tariff shall not create or vest in such person or entity any right to compel the Company to construct, retain, extend, place or maintain any poles not needed for its own service requirements.
- C. Attachments by any person or entity to poles under Part B of this tariff shall not relieve such person or entity from the obligation of obtaining from appropriate public authorities and private owners of real property any and all permits, franchises, licenses and grants required by law for such attachments.

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2				The C	levelanc	l Electric II	luminati	na Con	nnany	1	
			A							<i>'</i>	
3			Annuai	Pole A	ttacnmen	t Calculation	n (Year-Ŀ	na 2014)			
4											
5		Net Cost	of a Bare P	ole Calcu	<u>lation</u>			Source FEF	RC Form	<u>1</u>	
6											
	Gross Dist					2,142,700,415		207, line 75			
			nt (Acct. 36			336,132,341		207, line 64			
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This foregoing document was electronically filed with the Public Utilities

**Commission of Ohio Docketing Information System on** 

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in

Case No(s). 15-0975-EL-ATA, 13-0579-AU-ORD, 89-6001-EL-TRF

Summary: Application for change to Pole Attachment tariff electronically filed by Ms. Tamera J Singleton on behalf of The Cleveland Electric Illuminating Company and Mikkelsen, Eileen M