

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of United)
Telephone Company of Ohio, Inc. d/b/a)
CenturyLink to Introduce a Pole) Case No. 15-889-TP-ATA
Attachment Conduit Occupancy Tariff.)

In the Matter of the Application of)
CenturyTel of Ohio, Inc. d/b/a)
CenturyLink to Introduce a Pole) Case No. 15-890-TP-ATA
Attachment and Conduit Occupancy Tariff.)

In the Matter of the Application of AT&T)
Ohio to Update its Pole Attachment) Case No. 15-920-TP-ATA
Provisions.)

In the Matter of the Application of)
Windstream Ohio, Inc. to Add Language)
and Rates for Access to Poles, Conduit,) Case No. 15-950-TP-ATA
Rights-of-Way by Public Utilities to the)
Access Tariff.)

In the Matter of the Application of)
Windstream Western Reserve Inc. to Add)
Language and Rates for Access to Poles,) Case No. 15-951-TP-ATA
Conduit, Rights-of-Way by Public Utilities)
to the Access Tariff.)

In the Matter of the Application of Duke)
Energy Ohio, Inc. to Amend its Pole)
Attachment and Conduit Occupancy Tariff,) Case No. 15-965-EL-ATA
P.U.C.O. No. 1.)

In the Matter of the Application of The)
Dayton Power and Light Company to) Case No. 15-971-EL-ATA
Amend its Pole Attachment Tariffs.)

In the Matter of the Application of Frontier)
North, Inc. to Make Revisions to Existing)
Pole and Anchor Attachments and Conduit) Case No. 15-972-TP-ATA
Occupancy Accommodations Tariff.)

In the Matter of the Application of)
 Cincinnati Bell Telephone Company LLC to)
 Add Language and Rates for Access to) Case No. 15-973-TP-ATA
 Poles, Conduits, and Rights-of-Way by)
 Public Utilities to the Access Tariff.)

In the Matter of the Application of Ohio)
 Power Company to Amend its Pole) Case No. 15-974-EL-ATA
 Attachment Tariffs.)

In the Matter of the Applications of Ohio)
 Edison Company, The Cleveland Electric)
 Illuminating Company, and The Toledo) Case No. 15-975-EL-ATA
 Edison Company to Change Their Pole)
 Attachment Tariffs.)

ENTRY

The attorney examiner finds:

- (1) On July 30, 2014, the Commission issued its Finding and Order in Case No. 13-579-AU-ORD (13-579), *In re Adoption of Chapter 4901:1-3, Ohio Administrative Code, Concerning Access to Poles, Ducts, Conduits, and Rights-of-Way by Public Utilities*, establishing rules for the access to poles, conduits, and rights-way.
- (2) On October 15, 2014, the Commission issued its Entry on Rehearing in 13-579 granting in part and denying in part the applications for rehearing filed regarding the rules.
- (3) On February 25, 2015, the Commission issued an Entry in 13-579 which, among other things, directed utility pole owners to each file the appropriate company-specific tariff amendment application, including the applicable calculations based on 2014 data. Dates were also established for both the filing of the tariff amendments and the applicable calculations. Pursuant to the Commission's Entry of April 22, 2015, these dates were amended to reflect the filing of the tariff amendments/applicable calculations by May 15, 2015. Additionally, the Commission required the filing of intervention requests/objections by August 1, 2015. Further, the automatic approval date for the pole attachment amendments was extended to September 1, 2015.

- (4) Among the pole owners filing tariff amendment applications, the companies identified in the above captioned cases each filed their tariff amendment applications and applicable calculations on or before May 15, 2015, in their respective dockets.
- (5) On August 3, 2015, the Ohio Cable Telecommunications Association (OCTA) filed objections in each of the above dockets, with the exception of Case No. 15-972-TP-ATA (15-972).
- (6) On June 25, 2015, The Dayton Power and Light Company (PP&L) filed comments in 15-972.
- (7) In order to allow the pole owners in the above captioned cases to respond to objections filed in their respective cases, the applicants shall be granted the opportunity to file responses on or before August 24, 2015.
- (8) In order to fully investigate the objections and the responses, if any, the attorney examiner finds that each of the applications in the above captioned cases should be suspended from the automatic approval process and shall not take effect on September 1, 2015, but rather through a separate Commission order. All of the tariff amendment applications filed by the other pole owners shall continue to be subject to the established automatic approval time frame.
- (9) At various times, OCTA has filed motions to intervene in Case Nos. 15-920-TP-ATA, 15-889-TP-ATA, 15-890-TP-ATA, 15-965-EL-ATA, 15-971-EL-ATA, 15-973-TP-ATA, 15-974-EL-ATA, 15-975-EL-ATA, 15-950-TP-ATA and 15-951-TP-ATA. In each of its motions to intervene, OCTA states that it represents the cable television and telecommunications industry in the state of Ohio and that it will be affected by the determinations in the individual ATA cases
- (10) On June 25, 2015, DP&L filed a motion to intervene in Case No. 15-972-TP-ATA. DP&L asserts that it has a direct and immediate interest in this case and that no other party can represent its interest.
- (11) No opposition to the motions to intervene were filed.
- (12) The attorney examiner determines that the motions for intervention should be granted.

It is, therefore,

ORDERED, That the pole owners file responses in accordance with Finding (7). It is, further,

ORDERED, That the applications in the above captioned cases be suspended in accordance with Finding (8). It is, further,

ORDERED, That the motions to intervene be granted in accordance with Finding (12). It is, further,

ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Jay S. Agranoff

By: Jay S. Agranoff
Attorney Examiner

JRJ/dah

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in

Case No(s). 15-0889-TP-ATA, 15-0890-TP-ATA, 15-0920-TP-ATA, 15-0950-TP-ATA, 15-0951-TP-ATA,

Summary: Attorney Examiner Entry that the pole owners file responses in accordance with Finding (7); that the applications in the above captioned cases be suspended in accordance with Finding (8); and that the motions to intervene be granted in accordance with Finding (12); electronically filed by Debra Hight on behalf of Jay S. Agranoff, Attorney Examiner.