

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
REVIEW OF OHIO ADM.CODE CHAPTER
4901:1-3, CONCERNING ACCESS TO
POLES, DUCTS, CONDUITS, AND RIGHT-
OF-WAY.

CASE NO. 19-834-AU-ORD

ENTRY

Entered in the Journal on August 26, 2019

{¶ 1} R.C. 111.15(B) and R.C. 106.03(A) require all state agencies to conduct a review of their rules every five years to determine whether the rules should be continued without change, amended, or be rescinded. The Commission has opened this docket to review the rules regarding pole attachments in Ohio Adm.Code Chapter 4901:1-3.

{¶ 1} On June 17, 2019, the Commission issued an Entry, among other things, inviting interested persons or entities to file initial comments or reply comments with the Commission regarding the proposed modifications to Ohio Adm.Code Chapter 4901:1-3 by August 15, 2019, and August 30, 2019, respectively.

{¶ 2} As of date of this Entry, the Sprint Communications Company L.P, Sprint Spectrum L.P. and SprintCom, Inc. (collectively, Sprint); Crown Castle Fiber, LLC (Crown Castle); The Dayton Power and Light Company; the Ohio Telecom Association (OTA); Duke Energy Ohio, Inc. and the Ohio Power Company; Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy Companies); and the Ohio Cable Telecommunications Association (OCTA) filed timely initial comments.

{¶ 3} On August 23, 2019, OCTA filed on behalf of itself, OTA, and Crown Castle Fiber (collectively, Movants) a joint motion for extension of time to file reply comments and request for an expedited ruling on its motion. In support of its request, Movants state that, given the complexity of the issues and various positions advanced in the initial comments, additional time to prepare reply comments is needed. Further, Movants aver that the

current deadline for reply comments also falls in the midst of deadlines in other matters, and additional time will allow for the discussion and development of their respective reply comments and will ensure that all matters be properly addressed. Movants request extending the reply comment deadline by ten days until September 9, 2019. Lastly, Movants request expedited treatment of their request and state that counsel for OCTA contacted the other parties who submitted initial comments in this matter and aver that no party objected to the issuance of an expedited ruling pursuant to Ohio Adm.Code 4901-1-12(C).

{¶ 4} After review of Movant's joint motion for extension of time to file reply comments and in accordance with Ohio Adm.Code 4901-1-12(C), the attorney examiner finds that Movant's request is reasonable and should be granted. Accordingly, interested persons or entities may file reply comments in this docket until September 9, 2019.

{¶ 5} Gov. Bar R. XII and Ohio Adm.Code 4901:1-08(B) provide rules governing eligibility to practice pro hac vice in Ohio. Pursuant to Gov. Bar R. XII(2)(A)(7), motions for admission pro hac vice must be accompanied by a certificate of pro hac vice registration furnished by the Supreme Court of Ohio Office of Attorney Services.

{¶ 6} On May 21, 2019, John Davidson Thomas filed a motion for admission pro hac vice requesting to practice before the Commission in this proceeding as co-counsel for OCTA. The attorney examiner finds that Mr. Thomas's motion for admission pro hac vice should be granted for the limited purpose of this proceeding.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That the joint motion for seeking an expedited ruling be granted. It is, further,

{¶ 9} ORDERED, That all interested persons or entities wishing to file comments or reply comments with the Commission regarding the proposed rules do so no later than September 9, 2019, respectively. It is, further,

{¶ 10} ORDERED, That John Davidson Thomas's motion for admission pro hac vice be granted. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all certified telephone companies, including all certified commercial mobile radio service providers; regulated electric distribution companies; the Ohio Cable Telecommunications Association; the Ohio Telecom Association; and, all other interested persons of record. It is, further,

{¶ 12} ORDERED, That notice of this Entry be sent to the Telephone and Electric list-serves.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Lauren L. Augostini

By: Lauren L. Augostini
Attorney Examiner

JRJ/hac

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Case No(s). 19-0834-AU-ORD

Summary: Attorney Examiner Entry granting joint motion for expedited ruling, setting deadline for filing comments and reply comments, and granting motion for admission pro hac vice electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Administrative Law Judge, Power Siting Board