BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio Edison Company for Approval of a Tariff Change	)))	Case No. 20-1643-EL-ATA

APPLICATION FOR REHEARING OF
THE OHIO CABLE TELECOMMUNICATIONS ASSOCIATION

The Ohio Cable Telecommunications Association ("OCTA") respectfully requests rehearing of the decision of the Public Utilities Commission of Ohio ("Commission") to approve automatically on December 29, 2020, the pole attachment rate of $12.17, as contained in the amended application filed on December 23, 2020, by Ohio Edison Company ("OE"). The OCTA requests that the Commission reverse its decision, and requests that the estimated number of non-unitized poles used for the pole attachment rate calculation be revised and the pole attachment rate be revised. The Commission's decision was unlawful and unreasonable for the following reasons:

> **Assignment of Error 1:** It was unjust and unreasonable for the Commission to automatically approve a pole attachment rate of $12.17 based on inputs used to calculate an estimate of the number of non-unitized poles that do not match the company's records and cannot be verified.
>
> **Assignment of Error 2:** It was unjust and unreasonable for the Commission to automatically approve a pole attachment rate of $12.17 based on a revised number of poles without evidence in the record to demonstrate that the revised number of poles is just and reasonable.

Respectfully submitted,

/s/ Gretchen L. Petrucci

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MEMORANDUM IN SUPPORT

I. Introduction

The pole attachment rate approved in this matter was based on a pole count in OE's amended application that included an estimate for poles associated with non-unitized investment in FERC Account 364. The OCTA agrees that the pole count should include non-unitized poles. OE followed the same approach to estimating the number of non-unitized poles as was done by its other Ohio affiliates in their pole attachment proceedings.[1] However, the record does not substantiate the estimated non-unitized poles used in the amended application. And, as the OCTA has shown in those other cases, there were errors in the approach used. For these reasons, the estimated number of non-unitized poles used for the OE pole attachment rate calculation should be reviewed and revised and, using that number, a revised pole attachment rate should be approved for OE.

II. Argument

> **Assignment of Error 1:** It was unjust and unreasonable for the Commission to automatically approve a pole attachment rate of $10.45 based on inputs used to calculate an estimate of the number of non-unitized poles that do not match the company's records and cannot be verified.
>
> **Assignment of Error 2:** It was unjust and unreasonable for the Commission to automatically approve a pole attachment rate of $10.45 based on a revised number of poles without evidence in the record to demonstrate that the revised number of poles is just and reasonable.

OE filed an amended application in this matter on December 23, 2020. In its amendment, OE changed only the number of its poles for 2019 from 574,581 to 579,993 – an increase of 5,412 poles.[2] OE explained in a footnote that the revised number of poles "[i]ncludes an estimate for the

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[1] *See* the OCTA's applications for rehearing filed this same date in *In the Matter of the Application of The Cleveland Electric Illuminating Company to Update it Pole Attachment Rate*, Case No. 20-1644-EL-ATA, and *In the Matter of the Application of The Toledo Edison Company to Update its Pole Attachment Rate*, Case No. 20-1645-EL-ATA.

[2] Compare lines 17 of Exhibit C in OE's October 30, 2020 Application with its December 23, 2020 Amended Application.

number of poles associated with non-unitized plant balances in FERC account 364, based on historical average costs per pole."[3] No further information was presented with the filing.

Staff described in its Review and Recommendation the company's methodology for calculating the estimated non-unitized poles as follows: the non-unitized pole investment in Account 364 divided by the actual, average cost of a pole placed in 2019. OE used the same methodology and approach to the inputs as was used to calculate an estimate of non-unitized poles for its Ohio affiliates.

Importantly, the OCTA does not take issue with OE's methodology (formula) for calculating the non-unitized pole estimate and the OCTA agrees that the resulting estimate should be added to the number of poles listed in OE's original application to ultimately calculate the pole attachment rate. However, the inputs into the formula should be consistent with company records.[4] The inputs were not identified in the amended application filing and OE provided no further explanation even though, as the applicant, it has the burden of proof. Inasmuch as errors occurred for the affiliates, the OCTA believes OE also erred and, if so, a lower pole attachment rate would result.

III. Conclusion

The record does not support the revised pole attachment rate. In addition, the approach that OE took to estimate the non-unitized poles was erroneous. It was, therefore, an error for the Commission to automatically approve OE's revised pole attachment rate of $10.45. The estimated number of non-unitized poles used for the pole attachment rate calculation should be reviewed and

[3] *See* footnote on Exhibit C of OE's December 23, 2020 Amended Application.

[4] *See* footnote one above.

revised based on the data in OE's records and, using that number, a revised pole attachment rate should be approved.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served (via electronic mail) on the 28th day of January 2021 upon the persons listed below.

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Staff of the Public Utilities Commission of Ohio	john.jones@ohioattorneygeneral.gov

/s/ Gretchen L. Petrucci
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Summary: App for Rehearing Application for Rehearing electronically filed by Mrs. Gretchen L. Petrucci on behalf of Ohio Cable Telelcommunications Association