

## **Before the Public Utilities Commission of Ohio**

**In the Matter of the Commission's  
Review of Ohio Administrative  
Code Chapter 4901:1-03,  
Concerning Access to Poles, Ducts,  
Conduits, and Rights of Way**

**Case No. 19-0834-AU-ORD**

### **Motion of Ohio Telecom Association for an Extension of Time to File Memoranda in Opposition to Applications for Rehearing and Request for Expedited Ruling**

Under Rule 4901-1-12, Ohio Telecom Association moves for an order extending the time for filing memoranda in opposition to the applications for rehearing to May 24, 2021. Further, OTA requests an expedited ruling. The reasons supporting this motion and request are set out in the accompanying memorandum in support.

/s/ *Frank P. Darr*

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**Memorandum in Support of the Motion of Ohio Telecom Association for an  
Extension of Time to File Memoranda in Opposition to Applications for Rehearing  
and Request for Expedited Ruling**

In this motion, Ohio Telecom Association requests an order extending the time for filing by any party a memorandum in opposition to the applications for rehearing to May 24, 2021. It also seeks that a ruling on the motion be issued on an expedited basis.

The Commission issued a Finding and Order in this proceeding on April 7, 2021. Four parties including OTA filed applications for rehearing on May 6 and 7, 2021. Rule 4901-1-35(B) provides that memoranda in opposition to an application for rehearing may be filed by May 17, 2021.<sup>1</sup>

OTA members have begun the process of reviewing the comments. Due to diversity of membership and complications due to COVID restrictions, securing internal reviews is more complex and delays are likely. In addition, counsel for OTA is participating in a hearing on a matter at the Commission that begins on May 12, 2021 and is expected to extend through at least May 16, 2021. Accordingly, it would be useful to secure an additional week for OTA members to review of the applications for rehearing, determine if a memorandum in opposition is warranted, and prepare the memorandum.

Counsel for OTA contacted by email counsel for the parties that filed comments. As of noon on May 10, 2021, counsel for Ohio Cable Telecommunications Association and Crown Castle supported the motion and the request for an expedited ruling. Counsel

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<sup>1</sup> Dayton Power and Light Company filed its application for rehearing on May 6, 2021. Normally, a memorandum in opposition to its application for rehearing would be due on May 16, 2021. Because May 16, 2021 is a Sunday, the filing date is extended to the next business day, May 17, 2021. Rule 4901-1-07(E).

for AT&T Ohio, the First Energy utilities, Duke Energy Ohio, and Ohio Power Company stated that they did not oppose the motion or the request for an expedited ruling.<sup>2</sup>

For these reasons, OTA requests that its motion for an extension of the time to file memoranda in opposition to the applications for rehearing filed in this matter be granted on an expedited basis.

/s/ Frank P. Darr

Frank P. Darr

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<sup>2</sup> Counsel for Sprint had not responded by the time this motion was filed. If a response is provided, counsel for OTA will provide it to the Commission.

## **CERTIFICATE OF SERVICE**

In accordance with Rule 4901-1-05, Ohio Administrative Code, the Commission's e-filing system will electronically serve notice of the filing of the attached document upon the interested persons, on May 10, 2021. In addition, service by email has been given to all parties that have entered an appearance in the proceeding listed below.

*/s/ Frank P. Darr*

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Summary: Motion Motion of Ohio Telecom Association for an Extension of Time to File Memoranda in Opposition to Applications for Rehearing and Request for Expedited Ruling electronically filed by Frank P. Darr on behalf of Ohio Telecom Association