

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The)	
Toledo Edison Company for Approval of)	Case No. 20-1645-EL-ATA
a Tariff Change)	

**MOTION FOR LEAVE TO FILE COMMENTS INSTANTER
OF
THE OHIO CABLE TELECOMMUNICATIONS ASSOCIATION**

The Ohio Cable Telecommunications Association (“OCTA”) respectfully requests leave to file brief comments in light of the Staff’s Supplemental Review and Recommendation in this proceeding. The OCTA makes this motion for leave to ensure that the Public Utilities Commission of Ohio has further information in this matter. The reasons supporting the OCTA’s motion for leave to file comments instanter are set forth more fully in the attached Memorandum in Support.

Respectfully submitted,

/s/ Gretchen L. Petrucci

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MEMORANDUM IN SUPPORT

The OCTA is a party in this proceeding and it filed an application for rehearing on January 28, 2021, alleging error with the Commission's approval of the pole attachment rate in the amended application of Toledo Edison Company ("Toledo Edison"). Specifically, the OCTA questioned Toledo Edison's estimate for non-unitized poles. On October 14, 2021, Staff filed a Supplemental Review and Recommendation in this proceeding in which it did three things: (1) Staff amended its original Review and Recommendation about Toledo Edison's estimate for non-unitized poles; (2) Staff opined on the methodology used to calculate that estimate; and (3) Staff made a new recommendation for future filings.

Staff's Supplemental Review and Recommendation is based on additional information Staff requested in June 2021 (while rehearing was pending) and thereafter provided by Toledo Edison. The OCTA was not served with the information. The additional information is not included in the Supplemental Review and Recommendation (although it is generally described) and is not otherwise in the record. The OCTA requests leave to comment briefly because the newly discovered details about the methodology used by Toledo Edison highlight the need for greater transparency. The pole formula and rate calculations should be transparent so that the Staff, parties and the Commission can evaluate and determine just and reasonable pole attachment rates, which are important for the OCTA members (and others) who are engaged in significant broadband deployment in Toledo Edison's service territory and elsewhere in Ohio.

WHEREFORE, for the foregoing reasons, the OCTA respectfully requests that the Commission grant this motion for leave to file comments instanter. A copy of the OCTA's comments are attached.

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 2nd day of November 2021 upon the persons listed below.

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Staff of the Public Utilities Commission of Ohio

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/s/ Gretchen L. Petrucci

Gretchen L. Petrucci

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**COMMENTS OF
THE OHIO CABLE TELECOMMUNICATIONS ASSOCIATION**

The Ohio Cable Telecommunications Association (“OCTA”) writes briefly to provide comments on the pole attachment rate and process in this matter, because access to poles at reasonable rates and on reasonable terms and conditions is a necessity for efficient, effective broadband investment in Ohio. OCTA members (and others) are currently deploying high-speed broadband service to unserved consumers in the service territory of Toledo Edison Company (“Toledo Edison”) and across Ohio. Pole attachments are critical in enabling broadband service providers to reach consumers with modern broadband infrastructure. Particularly with hundreds of millions of state and federal dollars being prioritized for broadband infrastructure to unserved Ohio consumers and small businesses, the public interest cannot afford to have access to utility poles as a barrier to these important policy objectives. Just and reasonable pole attachment rates through a transparent formula based on transparent inputs promote and enable the efficient and timely allocation of resources necessary for OCTA members (and others) to rapidly expand broadband service.

The OCTA appreciates and is encouraged by Staff’s effort to identify the discrepancy and gain clarity regarding the methodology used to calculate an estimate for non-unitized poles. The record was unclear when the rate was automatically approved, and Staff did not gain greater clarity until recently. These types of discrepancies and confusion should be avoided and through greater transparency in the pole rate cases, the Commission can improve the process in an important and constructive manner.

The pole attachment rate approved in this matter was based on a pole count in the amended application of Toledo Edison that included an estimate for poles associated with non-unitized investment in FERC Account 364 (“non-unitized poles”). The OCTA has previously agreed that the pole count should include non-unitized poles. The OCTA, however, questioned Toledo Edison’s estimate for non-unitized poles and filed an application for rehearing, raising two arguments. On October 14, 2021, Staff filed a Supplemental Review and Recommendation (“Supplement”) in this proceeding. The Staff’s Supplement reflects:

- Staff received additional information from Toledo Edison in response to a June 15, 2021 data request in this matter (which the OCTA did not receive although it is a party in this proceeding).¹ *See* Supplement at 2.
- Based on Toledo Edison’s additional information, Staff corrected its December 28, 2020 Review and Recommendation to reflect that Toledo Edison’s estimate was based on non-unitized Account 364 investment that was divided by the average cost of a pole placed in service in 2019 but unitized as of November 30, 2020 (not unitized in 2019). *See* Supplement at 1-2.
- Based on its evaluation of Toledo Edison’s additional information, Staff concluded that Toledo Edison’s methodology (as actually used) should result in a reasonable estimate. *See* Supplement at 2.
- Based on Toledo Edison’s additional information, Staff made an additional recommendation for future filings – that Toledo Edison “use an estimate of the number of poles contained in non-unitized investment using the number of poles placed and unitized as of the end of the FERC Form 1 calendar year.” *See* Supplement at 3.

Staff’s Supplement indicates that Staff may not have understood Toledo Edison’s methodology completely at the time of Staff’s original Review and Recommendation.

¹ The OCTA discovery requests in this case requested production of all Staff data requests and responses thereto.

The OCTA thus urges the Commission to ensure that Toledo Edison's pole rate calculations are transparent so that the Staff, parties and the Commission can evaluate the applications and determine just and reasonable pole attachment rates.

Respectfully Submitted,

/s/ Gretchen L. Petrucci

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Staff of the Public Utilities Commission of Ohio

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/s/ Gretchen L. Petrucci

Gretchen L. Petrucci

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11/2/2021 4:12:51 PM

in

Case No(s). 20-1645-EL-ATA

Summary: Motion Motion for Leave to File Comments Instantly, Memorandum in Support, and Comments electronically filed by Mrs. Gretchen L. Petrucci on behalf of Ohio Cable Telecommunications Association