

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 January 26, 2022

I. SUMMARY

{¶ 1} The Commission notifies interested stakeholders that the rules in Ohio Adm.Code Chapter 4901:1-3, amended as a part of this proceeding, will become effective on January 31, 2022.

II. DISCUSSION

{¶ 2} By Entry issued April 11, 2019, this proceeding was initiated to commence the Commission's five-year review of the rules contained in Ohio Adm.Code Chapter 4901:1-3 regarding the access to poles, ducts, conduits, and right-of-way. The April 11, 2019 Entry also scheduled a workshop for interested stakeholders. The workshop was held, as scheduled, on May 21, 2019.

{¶ 3} After evaluating the rules and taking into consideration the comments made at the workshop, the Commission issued Staff's proposed amendments to the rules along with the Business Impact Analysis on July 17, 2019. Subsequently, comments and reply comments were filed by interested stakeholders.

{¶ 4} On April 7, 2021, the Commission issued its Finding and Order adopting amendments to certain rules in Ohio Adm.Code Chapter 4901:1-3. Ohio Adm.Code 4901:1-3-06 was adopted with no changes.

{¶ 5} R.C. 4903.10 provides that any party who has entered an appearance in a Commission proceeding may apply for a rehearing with respect to any matters determined

by the Commission by filing an application within 30 days of the entry of the order upon the Commission's journal.

{¶ 6} Applications for rehearing were filed by AT&T Ohio, Dayton Power and Light Company d/b/a AES Ohio (DP&L), The Ohio Cable Telecommunications Association (OCTA), and The Ohio Telecom Association (OTA).

{¶ 7} On May 24, 2021, memoranda contra the various applications for rehearing were filed by Ohio Power Company; DP&L; Crown Castle Fiber LLC; OCTA; AT&T Ohio; OTA; and jointly by Ohio Edison, The Cleveland Electric Illuminating Company, and The Toledo Edison Company,

{¶ 8} By its Entry on Rehearing issued on September 23, 2022, the Commission granted, in part, and denied, in part, the various applications for rehearing and corrected a typographical error in the rules.

{¶ 9} Pursuant to the requirements of R.C. 111.15, the Commission filed the proposed amendments to certain rules in Ohio Adm.Code Chapter 4901:1-3 with the Joint Committee on Agency Rule Review (JCARR). JCARR's jurisdiction over the amendments to the rules ended as of January 20, 2022.

{¶ 10} The amendments to the rules in Ohio Adm.Code Chapter 4901:1-3 will become effective January 31, 2022.

III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the amendments to the rules in Ohio Adm.Code Chapter 4901:1-3, adopted as a part of this proceeding, be effective on January 31, 2022. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be sent to the electric and telephone listservs. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon all certified telephone companies, including all certified commercial mobile radio service providers, all regulated electric distribution companies, OCTA, OTA, and all other interested persons of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis Deters

JSA/mef

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

1/26/2022 2:16:26 PM

in

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

Summary: Entry notifying interested stakeholders that the rules in Ohio Adm.Code Chapter 4901:1-3, amended as a part of this proceeding, will become effective on January 31, 2022. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio