

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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|------------------------------------------------|---|------------------------------|
| In the Matter of the Application of The |) | |
| Dayton Power and Light Company d/b/a |) | Case No. 22-80-EL-ATA |
| AES Ohio for Approval to Establish a |) | |
| New Pole Attachment Tariff |) | |

MOTION TO INTERVENE

The Ohio Cable Telecommunications Association (“OCTA”), representing the interests of Ohio’s broadband and cable industry, moves for leave to intervene in the above-styled proceeding as a full party of record pursuant to Ohio Revised Code Section 4903.221 and Ohio Administrative Code 4901-1-11. The OCTA membership will be directly affected by the proposed tariff application filed by Dayton Power and Light Company d/b/a AES Ohio (“AES Ohio”).

WHEREFORE, the OCTA respectfully requests that the Public Utilities Commission of Ohio grant this motion to intervene and make the OCTA a full party of record.

Respectfully submitted,

/s/ Gretchen L. Petrucci
Gretchen L. Petrucci (0046608)
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
Columbus, OH 43215
614-464-5407
glpetrucci@vorys.com

*Counsel for the Ohio Cable Telecommunications
Association*

**MEMORANDUM IN SUPPORT OF
THE MOTION TO INTERVENE OF
THE OHIO CABLE TELECOMMUNICATIONS ASSOCIATION**

Ohio Revised Code (“R.C.”) Section 4903.221 and Ohio Administrative Code (“Ohio Adm.Code”) 4901-1-11 establish the standard for intervention in the above-styled proceeding.

Ohio Adm.Code 4901-1-11 states in part:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:

* * *

(2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person’s interest is adequately represented by existing parties.

The OCTA represents the broadband and cable industry in Ohio. Access to poles and conduit is essential for the OCTA members to provide a variety of communications services, including video, voice, and Internet access services in AES Ohio’s service territory. The OCTA members therefore have existing and potential business interests in AES Ohio’s service territory, which will be substantially affected by the outcome of this proceeding because AES Ohio is requesting authority to modify certain terms and conditions in its pole attachment and conduit occupancy tariff (P.U.C.O. No. 2) for the purpose of bringing its tariff into compliance with the new rules in Ohio Adm.Code Chapter 4901:1-3.

As the trade association that represents the broadband and cable industry in Ohio whose members attach to AES Ohio’s poles, access its conduit and pay the rental charges, the OCTA has a direct interest in this proceeding. The OCTA’s interest is unique and not represented by any AES Ohio or by Staff. The OCTA strongly believes that its intervention in this proceeding will contribute to the Commission’s consideration of the issues and in approval of a pole attachment tariff that comports with the Commission’s adopted administrative rules in Ohio Adm.Code

Chapter 4901:1-3 and is just and reasonable. The OCTA's motion is timely filed and its intervention will not unduly delay this proceeding. Finally, the Commission granted the OCTA intervention in prior pole attachment proceedings, including AES Ohio's prior proceeding. *In the Matter of the Application of The Dayton Power and Light Company to Amend its Pole Attachment Tariff*, Case No. 15-971-EL-ATA.

WHEREFORE, for all of the foregoing reasons, the OCTA respectfully requests that the Commission grant this motion to intervene and that the OCTA be made a full party of record.

Respectfully submitted,

/s/ Gretchen L. Petrucci

Gretchen L. Petrucci (0046608)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

Columbus, OH 43215

614-464-5407

glpetrucci@vorys.com

*Counsel for the Ohio Cable Telecommunications
Association*

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 certifies that a courtesy copy of the foregoing document is also being sent (via electronic mail) on the 30th day of March 2022 on all persons/entities listed below:

randall.griffin@aes.com

john.jones@OhioAGO.gov

/s/ Gretchen L. Petrucci

Gretchen L. Petrucci

**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 22-0080-EL-ATA

Summary: Motion Motion to Intervene electronically filed by Mrs. Gretchen L.
Petrucchi on behalf of Ohio Cable Telecommunications Association