

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Dayton)
Power and Light Company d/b/a AES Ohio to)
Amend Its Pole Attachment Tariff) Case No. 22-0080-EL-ATA

**SUPPLEMENTAL REVIEW AND RECOMMENDATION
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

On March 9, 2022, Dayton Power and Light d/b/a AES Ohio (DP&L or Company) filed an application seeking to revise its Poles, Ducts, and Conduits Attachment Tariff (PUCO No. 2) in order to bring its existing Tariff Sheets into conformity with the revised pole attachment and conduit occupancy rules, Ohio Adm.Code Chapter 4901:1-3, that took effect on January 31, 2022.

On March 30, 2022, the Ohio Cable Telecommunications Association (OCTA) filed a motion to intervene and objections to DP&L's application.

On May 5, 2022, DP&L filed an amendment to the application revising its proposed tariff sheets to reflect terms and conditions relating to those it agreed to accept in its Reply Comments as well as additional changes it initially objected to that DP&L has accepted with modifications.

Pursuant to Ohio Adm.Code 4901:1-3-04 as adopted in Case No. 19-834-AU-ORD, the application is subject to a 60-day automatic approval process. On May 6, 2022, the automatic approval process was suspended by Attorney Examiner Entry. Pursuant to Ohio Adm.Code 4901:1-3-04 (A)(2), a pending application filed with the commission under full or partial suspension will be automatically approved thirty days from the date of suspension if all issues are resolved. If all issues are not resolved by the thirtieth day, the application will be either dismissed by entry or suspended a second time.

On June 3, 2022, Staff filed a Review and Recommendation recommending the automatic approval process be suspended a second time due to language proposed by DP&L limiting the amount of time subsequent attachers must share proportionately in the cost of a modification that made their attachment possible to 12 months as Ohio Adm.Code 4901:1-3-4(E) does not contain any limitations on the time frame subsequent attachers must share proportionately in the cost.

On June 3, 2022, the application was suspended a second time by Attorney Examiner Entry. Applications under a second suspension cannot be approved without a commission entry or order.

On July 13, 2022, the Commission issued an Entry approving in part, and denying, in part, the amended application. In the Entry the Commission found that the amended application should be approved except as to AES' proposed revisions to the General Terms and Conditions, Paragraphs 6 and 7(b), which are inconsistent with the current language of Ohio Adm.Code 4901:1-3-04(E).

On July 13, 2022, DP&L made a compliance filing to include revised language in the General Terms and Conditions section, Paragraphs 6 and 7(b) of DP&L's Ohio Tariff (PUCO No. 2), to remove the 12-month time limit for cost-sharing by subsequent pole attachers. DP&L proposes that the revised tariff become effective upon acceptance by the PUCO.

Staff has reviewed the compliance filing made on July 13, 2022, including the revised tariff pages, and finds it to be in compliance with the directives of the Commission's July 13, 2022, Entry and recommends that the final tariff be filed with an effective date no earlier than the date of filing.

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in

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Summary: Staff Review and Recommendation electronically filed by Mrs. Tanika
Hawkins on behalf of PUCO Staff