

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of</b>	)	
<b>Spectrum for Reconsideration of a</b>	)	<b>Case No. 23-0490-AU-UTC</b>
<b>Decision by the Underground Technical</b>	)	
<b>Committee.</b>	)	

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**JOINT MOTION TO MODIFY  
THE UNDERGROUND TECHNICAL COMMITTEE’S FINDINGS AND  
RECOMMENDATIONS**

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Spectrum Mid-America LLC (“Spectrum”) and the Staff of the Public Utilities Commission of Ohio (“Staff”) (collectively, the “Parties”) hereby file this Joint Motion to Modify the Findings and Recommendations of the Underground Technical Committee (“UTC”) for the UTC’s Case No. 00799404. The grounds for this Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT**

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On April 12, 2023, the UTC found that Spectrum had violated its obligations under Ohio Revised Code Section (“R.C.”) 3781.29(A)(1), regarding marking the location of underground utility facilities, and recommended that Spectrum should be assessed a \$1,000 monetary penalty. Pursuant to R.C. 4913.25 and Ohio Administrative Code 4901:1-2-15, Spectrum timely submitted an application for reconsideration of the April 12, 2023 UTC finding and recommendation. Spectrum’s request for reconsideration was filed in the above-referenced Public Utilities Commission of Ohio (“Commission”) Case No. 23-0490-AU-UTC.

A settlement conference was scheduled in this matter and then held on July 25, 2023. The Parties reached agreement and jointly recommend that, pursuant to R.C. 4913.25, the Commission modify the findings and recommendations of the UTC to conclude that (a) there was no compliance failure or violation, (b) no monetary penalty will be imposed, and (c) no other enforcement actions will be taken in response to UTC Case No. 00799404. The Parties further recommend that the Commission also order that the UTC’s findings and underlying allegations will not be included in Spectrum’s one-call history or compliance history, including for consideration of matters pursuant to R.C. 4913.17 and 4913.20 and Ohio Administrative Code

4901:1-2-12. Finally, the Parties respectfully and jointly request that UTC Case No. 00799404 and Commission Case No. 23-0490-AU-UTC be closed.

Respectfully submitted,

/s/Ashley M. Wnek

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*Counsel for Spectrum Mid-America, LLC*

### **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 22<sup>nd</sup> day of September 2023 upon the persons listed below.

Staff of the Public Utilities Commission of Ohio

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/s/ Gretchen L. Petrucci

Gretchen L. Petrucci

**This foregoing document was electronically filed with the Public Utilities  
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**Case No(s). 23-0490-AU-UTC**

Summary: Motion -- Joint Motion to Modify the Underground Technical Committee's Findings and Recommendations electronically filed by Mrs. Gretchen L. Petrucci on behalf of Spectrum Mid-America, LLC.