

State of Florida




Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: March 2, 2022

TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk

FROM: Kathryn G.W. Cowdery, Senior Attorney, Office of the General Counsel 

RE: Docket No. 20210137-PU – Proposed adoption of Rule 25-18.010, F.A.C., Pole Attachment Complaints

Please note that the FAR Notice of Change identified in this docket as document number 01534-2022, filed March 1, 2022, was not accepted for publication in the FAR. The attached FAR Notice of Change has been reformatted as requested by the FAR for publication on March 3, 2022.

Attachment

Notice of Change/Withdrawal

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-18.010: Pole Attachment Complaints

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published on November 4, 2021, in Volume 47, No. 215, of the Florida Administrative Register.

Docket No. 20210137-PU

The changes are in response to the Joint Request for a Hearing and Separate Proceeding on Proposed Rule 25-18.010, F.A.C., and discussion and subsequent vote by the Florida Public Service Commission at public hearings held on February 1, 2022 and on March 1, 2022. The changes are as follows:

25-18.010 Pole Attachment Complaints

(1) A complaint filed with the Commission by a pole owner or attaching entity pursuant to Section 366.04(8), F.S., must contain:

(a) through (e), No change.

(f) If the complaint requests the establishment of rates, charges, terms, or conditions for pole attachments and the complainant proposes the application of rates, terms, or conditions that are based upon Federal Communications Commission (FCC) rules, decisions, orders, or appellate decisions, the complainant must identify the specific applicable FCC rules, decisions, orders, or appellate decisions that the Commission should apply pursuant to Section 366.04(8)(e), F.S.; provided, however, that if the complainant requests an alternative cost-based rate, the complainant must identify the methodology and explain how the alternative cost-based rate is just and reasonable and in the public interest; If the complaint requires the Commission to establish just and reasonable cost-based rates, terms, and conditions for pole attachments, the complaint must contain an explanation of the methodology the complainant is requesting the Commission to apply;

(g) through (i), No change.

(2) through (3), No change.

(4) A response filed under subsection (3) of this rule must include the following:

(a) No change.

(b) If the complaint requests the establishment of rates, charges, terms, or conditions for pole attachments and the respondent proposes the application of rates, terms, or conditions that are based upon FCC rules, decisions, orders, or appellate decisions, the respondent must identify the specific applicable FCC rules, decisions, orders, or appellate decisions that the Commission should apply pursuant to Section 366.04(8)(e), F.S.; provided, however, that if the respondent requests an alternative cost-based rate, the respondent must identify the methodology and explain how the alternative cost-based rate is just and reasonable and in the public interest. If the complaint requires the Commission to establish just and reasonable cost-based rates, terms, and conditions for pole attachments, the response must contain an explanation of the methodology the respondent is requesting the Commission to apply.

(5) through (6), No change.

Rulemaking Authority 350.127(2), 366.04(8)(g) FS. Law Implemented 366.04(8) FS. History-New _____

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, kcowdery@psc.state.fl.us, (850) 413-6216.



Florida Department of State

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Notices Submitted to ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
25627029	25-18.010	Pole Attachment Complaints	Notice	3/3/2022 Vol. 48/43	3/2/2022

Notices Confirmed by ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
None					

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