

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed adoption of Rule 25-18.010,
F.A.C., Pole Attachment Complaints.

DOCKET NO. 20210137-PU
ORDER NO. PSC-2022-0105-NOR-PU
ISSUED: March 3, 2022

The following Commissioners participated in the disposition of this matter:

ANDREW GILES FAY, Chairman
ART GRAHAM
GARY F. CLARK
MIKE LA ROSA
GABRIELLA PASSIDOMO

NOTICE OF CHANGE TO PROPOSED RULE

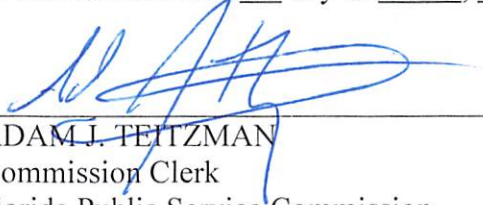
BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission has approved changes to proposed Rule 25-18.010, F.A.C.

The attached Notice of Change appeared in the March 3, 2022 edition of the Florida Administrative Register.

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By ORDER of the Florida Public Service Commission this 3rd day of March, 2022.



ADAM J. TETZMAN
Commission Clerk
Florida Public Service Commission
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Tallahassee, Florida 32399
(850) 413-6770
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

KGWC

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.