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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20210137-PU

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

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 1

COMMISSIONERS
PARTICIPATING: CHAIRMAN ANDREW GILES FAY
COMMISSIONER ART GRAHAM
COMMISSIONER GARY CLARK
COMMISSIONER MIKE LA ROSA
COMMISSIONER GABRIELLA PASSIDOMO

DATE: Tuesday, March 1, 2022

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: DANA W. REEVES
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
112 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

1 P R O C E E D I N G S

2 CHAIRMAN FAY: All right. Commissioners, next
3 we will move to Item 1. Make sure staff has a
4 minute to get in place for that item.

5 All right. Good morning, Mrs. Cowdery. You
6 will be presenting this item. You get to come
7 before me pretty much every meeting now as Chair.
8 I don't know if that's a good or a bad thing.

9 MS. COWDERY: It's a joy.

10 CHAIRMAN FAY: Thank you. With that, I'll
11 allow you to present the item, Ms. Cowdery.

12 MS. COWDERY: Okay. Item No. 1 is a rule
13 hearing to address whether the Commission should
14 make changes in proposed Rule 2518.010, pole
15 attachment complaints that was proposed by the
16 Commission on November 4th, 2021 to implement and
17 administrator -- administrate the authority granted
18 to the Commission to regulate and enforce rates,
19 charges, terms and conditions of pole attachments.
20 After the rule was proposed, Florida Internet and
21 Television Association and four of its five members
22 filed a joint request for hearing on the proposed
23 pole attachment complaints rule and suggested
24 changes to the paragraphs, state the information
25 that must be filed with a complaint and a response.

1 As an item on the regularly-scheduled February 1st
2 2022 agenda, a rule hearing was held on whether to
3 make changes to the proposed rule, and today's item
4 is a continuation of that hearing.

5 Staff is recommending changes to the proposed
6 rule that include two of the word changes suggested
7 by AT&T at the February 1st agenda conference.
8 These recommended changes do not change the intent
9 of the proposed rule language, which is to identify
10 the information that must be included in a
11 complaint and in a response filed under Section
12 366.048. Further, staff believes that these
13 recommended changes are consistent with the
14 Commission's authority and the direction given by
15 the legislature to adopt a procedural rule to
16 administrate and implement the section 366.048
17 language.

18 John Moyle and Tracy Hatch representing AT&T
19 are here to address the Commission. Also here to
20 address the Commission is Brooke Lewis,
21 representing petitioners Florida Internet and
22 Television Association, Atlantic Broadband, Miami,
23 LLC, Charter Communications, Inc., Comcast Cable
24 Communications, LLC and Cox Communications Gulf
25 Coast, LLC. In addition, the following rulemaking

1 participants are here and available to answer
2 questions: Maria Moncada, representing FPL. Jeff
3 Wahlen representing TECO. And Stephanie Cuello
4 representing Duke Energy Florida.

5 Staff is available to respond to questions or
6 comments on the rule. Thank you.

7 CHAIRMAN FAY: Great. Thank you for that
8 summary on that item. Commissioners, what I'll do
9 is I'll allow the parties who would like to address
10 the Commission on this to do so, and I'll just be
11 asking them -- like she said, the interested
12 persons, I'll be asking them to sort of speak
13 within the scope of the discussion of what's been
14 changed with the rule, and ask you to not be
15 repetitive from the previous hearing, as that those
16 issues have been discussed and debated previously.

17 With that, I'll recognize you, Mr. Moyle, to
18 make comments for AT&T.

19 MR. MOYLE: Thank you, Mr. Chairman. For the
20 record, John Moyle on behalf of AT&T, and I'm
21 joined by co-counsel, Tracy Hatch. I want to start
22 by thanking the Commission for the time that it put
23 into this matter at the last hearing. It provided,
24 I think, a good opportunity for some robust
25 discussion about recommended changes that AT&T put

1 forward to make this, we believe, a better rule.

2 Staff picked up some of those changes, two of
3 the six that were proposed, and we appreciate that.
4 We've had an opportunity to have some discussions,
5 but I would -- I would say that -- and, Mr. Chair,
6 to your point about the thorough and robust
7 discussion last time, I'm not going to burden the
8 record by going back over the points that we still
9 think should be -- are good points and changes that
10 should be made, but the record's clear on that. We
11 had a long discussion about it last time, we handed
12 out an exhibit, and we would stand by the comments
13 that were made last time and the comments in the
14 exhibit as to why the other changes proposed by
15 AT&T are in order and should be adopted. So, with
16 that, I'll conclude my remarks.

17 CHAIRMAN FAY: Great. Thank you. And then
18 Ms. Lewis, on behalf of FITA.

19 MS. LEWIS: Good morning, Mr. Chair. Brooke
20 Lewis, Berger Singerman. We stand on our prior
21 comments. We won't burden the record with anything
22 further. We do agree with staff's recommendation
23 and appreciate all of staff's work on this.

24 CHAIRMAN FAY: Great. Thank you. And,
25 Commissioners, that's all I have as far as to

1 address the Commission. I do have other parties
2 that are available, as stated, Ms. Moncada for FPL,
3 Mr. Wahlen for TECO or Ms. Cuello for Duke, if you
4 have any questions that you would like to direct
5 towards them.

6 But, with that, I know that the item has had a
7 lot of discussion, and we've had time to review it.
8 Commissioners, I would be open for any questions
9 and/or debate at this time, and then we could take
10 up a motion, if appropriate. So, with that --
11 Commissioner Clark, you're recognized.

12 COMMISSIONER CLARK: Thank you, Mr. Chairman.
13 Just a quick comment. I want to thank the
14 Commission for indulging me at our last meeting
15 regarding deferral of this item and giving us some
16 time to review some of the proposed changes. I've
17 had plenty of time to sit and meet with counsel and
18 all of my concerns have been addressed, and I can
19 support staff's recommendation.

20 CHAIRMAN FAY: Great. Thank you. With that,
21 any other Commissioners that would like to comment
22 or any questions or speakers? With that,
23 Commissioners, I will take a motion on this item.

24 COMMISSIONER PASSIDOMO: Mr. Chairman, I move
25 that we accept staff's recommendation on all items.

1 CHAIRMAN FAY: All right. We have a motion
2 for staff's recommendation on all issues. Is there
3 a second?

4 COMMISSIONER GRAHAM: Second.

5 CHAIRMAN FAY: We have a motion and a second.
6 All commissioners in support, say aye.

7 (Chorus of ayes.)

8 CHAIRMAN FAY: Any opposed?

9 (No comments made.)

10 CHAIRMAN FAY: With that, Item 1 passes.

11 Thank you.

12 (Agenda item concluded.)

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CERTIFICATE OF REPORTER

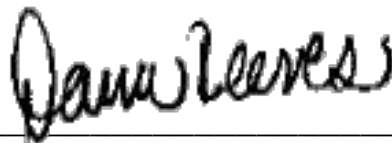
STATE OF FLORIDA)
COUNTY OF LEON)

I, DANA W. REEVES, Professional Court
Reporter, do hereby certify that the foregoing
proceeding was heard at the time and place herein
stated.

IT IS FURTHER CERTIFIED that I
stenographically reported the said proceedings; that the
same has been transcribed under my direct supervision;
and that this transcript constitutes a true
transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative,
employee, attorney or counsel of any of the parties, nor
am I a relative or employee of any of the parties'
attorney or counsel connected with the action, nor am I
financially interested in the action.

DATED THIS 7th day of March, 2022.



DANA W. REEVES
NOTARY PUBLIC
COMMISSION #GG970595
EXPIRES MARCH 22, 2024