



## Ohio Administrative Code

### Rule 4901:1-3-03 Access to poles, ducts, conduits, and rights-of-way.

Effective: June 30, 2023

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#### (A) Duty to provide access and notifications

(1) A public utility will comply with the duty to provide access and notifications pursuant to 47 C.F.R. 1.1403, as effective in paragraph (A) of rule 4901:1-3-02 of the Administrative Code.

(2) Pursuant to 47 C.F.R. 1.1403(d) an attaching entity may file with the commission a petition for temporary stay of action contained in a notice received pursuant to 47 C.F.R. 1.1403(c), as effective in paragraph (A) of rule 4901:1-3-02 of the Administrative Code. If the commission does not rule on a petition pursuant to this paragraph within thirty days after the filing of the answer, the petition will be deemed denied unless suspended.

(3) If the public utility establishes or adopts an electronic notification system, the attaching entity will participate in the electronic notification to qualify under this chapter.

#### (B) Timeline for access to public utility poles

##### (1) Application review and survey:

A public utility or a new attaching entity will comply with the application review and survey requirements, pursuant to 47 C.F.R. 1.1411(c), as effective in paragraph (A) of rule 4901:1-3-02 of the Administrative Code.

##### (2) Estimate

A public utility or a new attaching entity will comply with the make-ready estimate requirements pursuant to 47 C.F.R. 1.1411(d), as effective in paragraph (A) of rule 4901:1-3-02 of the Administrative Code.



(3) Make-ready

A public utility will comply with the notification requirements and make-ready time periods for new and existing attaching entities; for attachments in the communications space and above the communications space, pursuant to 47 C.F.R 1.1411(e) and (f), as effective in paragraph (A) of rule 4901:1-3-02 of the Administrative Code.

(4) Compliance with the time periods in this rule:

A public utility will comply with the time periods pursuant to 47 C.F.R 1.1411(g), as effective in paragraph (A) of rule 4901:1-3-02 of the Administrative Code.

(5) Deviation from the time limits specified in this rule unless:

A public utility will comply with the deviation from time limits pursuant to 47 C.F.R 1.1411(h), as effective in paragraph (A) of rule 4901:1-3-02 of the Administrative Code.

(6) Self-help remedy:

A public utility or new attaching entity will comply with the self-help remedy process for incomplete survey and make-ready pursuant to 47 C.F.R 1.1411(i), as effective in paragraph (A) of rule 4901:1-3-02 of the Administrative Code.

(7) One-touch make-ready option.

For attachments involving simple make-ready, a public utility or a new attaching entity will comply with one-touch make-ready option requirements pursuant to 47 C.F.R. 1.1411(j), as effective in paragraph (A) of rule 4901:1-3-02 of the Administrative Code.

(C) Contractors for survey and make-ready.

(1) Contractors for self-help complex make-ready and above the communications space make-ready:



A public utility will comply with the contractor requirements for self-help complex make-ready and above the communications space make-ready pursuant to 47 C.F.R 1.1412(a), as effective in paragraph (A) of rule 4901:1-3-02 of the Administrative Code.

(2) Contractors for simple make-ready work:

A public utility will comply with the contractor requirements for simple make-ready work pursuant to 47 C.F.R 1.1412(b), as effective in paragraph (A) of rule 4901:1-3-02 of the Administrative Code.

(D) Overlapping

(1) An existing attaching entity or third party overlapping with permission from an existing attaching entity (overlapping party) and a public utility will comply with overlapping rules established pursuant to 47 C.F.R 1.1415, as effective in paragraph (A) of rule 4901:1-3-02 of the Administrative Code, with the following exceptions:

(a) A public utility will not prevent an overlapping party from overlapping because another overlapping party has not fixed a preexisting violation; unless the overlapping will exacerbate the violation or create a capacity, safety, reliability, or engineering issue. When an overlapping exacerbates the violation or creates a capacity, safety, reliability, or engineering issue, the costs incurred to rectify the existing condition or issue are to be charged to and paid by either: (i) the last attacher(s) or overlasher(s) who caused the condition or issue; or (ii) if records are inadequate to determine who caused the condition or issue, then all attachers and overlappers and the public utility will pay to rectify the existing condition proportional to their use.

(b) If a public utility requires advance notice of a planned overlapping, the public utility may charge the overlapping party the just and reasonable costs the public utility actually incurs to inspect the pole prior to the installation of the proposed overlap.

(E) Rights-of-way

(1) Public utilities are subject to all constitutional, statutory, and administrative rights and responsibilities for use of public rights-of-way.



(2) Private rights-of-way for all public utilities are subject to negotiated agreements with the private property owner, exclusive of eminent domain considerations.

(3) Public utilities will not enter into exclusive use agreements of private building riser space, conduit, and/or closet space.

(4) Public utilities are to coordinate their right-of-way construction activity with the affected municipalities and landowners. Nothing in this rule is intended to abridge the legal rights and obligations of municipalities and landowners.

(F) The commission reserves the right to expect any or all arrangements between public utilities and between public utilities and private landowners to be submitted to the commission for its review and approval, pursuant to sections 4905.16 and 4905.31 of the Revised Code.

(G) All time limits in this chapter are to be calculated according to rule 4901-1-07 of the Administrative Code.