



Ohio Administrative Code Rule 4901:1-3-05 Complaints.

Effective: June 30, 2023

[Comment: For dates of references to a section of either the United States Code or a regulation in the code of federal regulations see rule 4901:1-3-02 of the Administrative Code.]

(A) Any attaching entity may file a complaint against a public utility pursuant to section 4905.26 or 4927.21 of the Revised Code, as applicable, to address claims that it has been denied access to a public utility pole, duct, conduit, or right-of-way in violation of section 4905.51 of the Revised Code or 47 U.S.C. 224, as effective in paragraph (A) of rule 4901:1-3-02 of the Administrative Code; and/or that a rate, term, or condition for a pole attachment are not just and reasonable. The provisions and procedures set forth in sections 4905.26 and 4927.21 of the Revised Code, and Chapters 4901-1 and 4901-9 of the Administrative Code, apply. The commission shall issue a decision resolving issue(s) presented in a complaint filed pursuant to this rule within a reasonable time not to exceed three hundred sixty days after the filing of the complaint.

(B) In complaint proceedings challenging the rates, terms, and conditions of existing joint use agreements between public utilities, there is a presumption that such rates, terms, and conditions are just and reasonable. A public utility can rebut this presumption by a preponderance of the evidence demonstrating that a rate, term, or condition is not just and reasonable.
