



Ohio Administrative Code

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

Effective: November 24, 2025

[Comment: For dates of references to a section of either the United States Code (U.S.C.) or a regulation of the code of federal regulations (C.F.R.) see rule 4901:1-3-02 of the Administrative Code.]

(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. Additionally, a public utility is to provide nondiscriminatory access to easement information related to the property where the poles covered by the pole attachment application are located before the utility can refuse to let the attacher share that easement or require the attacher to obtain its own easement. Relative to inspection reports, consistent with 47 C.F.R. 1.1411(c)(4), public utilities are to provide applicants, upon request, with information contained in the most recent cyclical pole inspection reports or a periodic inspection report for poles covered by the applicant's attachment application. The report is to be provided within 10 business days of the request.

(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. Consistent with 47 C.F.R. 1.1411(g) as clarified by the FCC in its Fourth Report and Order, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, W.C. Docket No. 17-84, FCC 23-109 (Dec.15, 2023), for an application requesting access to more than the lesser of 3,000 poles or 5 per cent of the utility's poles in the state, the lesser of the first 3,000 poles or 5 per cent of the utility's poles in the state of that application are subject to the make-ready timelines set forth in 47 C.F.R. 1.411(g)(3), when the attacher designates in its application the first 3,000 poles or 5 per cent of the utility's poles in the state to be processed.

(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 1.1416, 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 overlashing party from overlashing because another overlashing party has not fixed a preexisting violation; unless the overlashing will exacerbate the violation or create a capacity, safety, reliability, or engineering issue. When an overlashing 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 overlashers 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 overlashing, the public utility may charge the overlashing party the just and reasonable costs the public utility actually incurs to inspect the pole prior to the installation of the proposed overlash.

(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



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