



## Ohio Revised Code

### Section 4926.45 Evidentiary requirements for complaint.

Effective: May 17, 2021

Legislation: House Bill 2

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Before a court of common pleas may order any remedy under section 4926.57 of the Revised Code regarding a pole attachment complaint filed with respect to sections 4926.01 to 4926.60 of the Revised Code, the court shall determine, and a complainant shall establish, by a preponderance of the evidence, each of the following:

(A) That any rate, term, or condition complained of is not just and reasonable or a denial of access was unlawful.

(B) If the complaint concerns any rate, term, or condition, that such rate, term, or condition is contained in, or demanded by either party as a condition to entering into, either:

(1) A new pole attachment agreement; or

(2) An amendment, renewal, or replacement of an existing agreement that may be terminated, amended, renewed, or replaced on or after the effective date of this section ;

(C) If the complaint concerns any rate, term, or condition, that the provider and the electric cooperative first attempted to negotiate regarding the terms of a new, amended, renewed, or replaced agreement for a period of at least forty-five days prior to filing the complaint.

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