

TO BE RESCINDED

4901:1-6-22 **Excess construction charges applicable to certain line extensions for the furnishing of local exchange telephone service.**

The following rules and regulations are established for certain line extensions as maximum construction charges applicable thereto for permanent facilities on public rights-of-way outside the base-rate area of an exchange in connection with the furnishing of local exchange telephone service.

(A) Where a local exchange carrier (LEC) constructs permanent facilities on public rights-of-way in order to furnish service to an applicant or applicants in the territory where no facilities are available, the maximum construction charges applicable shall be determined in the following manner, regardless of the actual route to be followed by such construction:

(1) Where only one applicant is to be furnished service, the length of construction required to reach the point of entrance of the applicant's private property, measured along the public right-of-way either from the nearest existing distributing plant of the LEC or the nearest point to which the LEC plans to extend its facilities under an approved construction program, whichever is closer, shall be determined by the LEC.

For the length thus determined, the applicant may be required to pay construction charges in excess of the cost one-half mile of standard pole line in place. A credit against the cost of excess construction charges may be given where an applicant performs the labor of digging holes, or trimming or removing trees in the right-of-way in accordance with the LEC's specifications.

(2) Where more than one applicant is to be furnished service along the same route, the length of construction required to reach the point of entrance on each applicant's private property, measured along the public right-of-way either from the nearest existing distributing plant of the LEC or from the nearest point to which the LEC plans to extend its facilities under an approved construction program, whichever is closer, shall be determined. For the length thus determined, the applicants as a group may be required to pay construction charges in excess of the cost of one-half mile of standard pole line in place, multiplied by the number of applicants.

(3) If the LEC elects to attach its facilities to poles of other utility companies in lieu of providing standard pole line construction, the LEC will place one-half mile of circuit for each subscriber without construction charges. For placing facilities in excess of one-half mile on other utility companies' poles, the excess construction charges to be applied shall not exceed the lesser of the

actual cost of the attachments to the other companies' poles beyond one-half mile of circuit for each subscriber, or those which would have been applied if standard pole line construction had been provided by the LEC.

- (B) The total amount of construction charges to be paid by the applicants as a group shall be apportioned among them in such manner as the group may determine. The necessary construction need not be started, however, until satisfactory arrangements have been made for the payment of such construction charges. In the event the applicants fail to agree upon an apportionment of construction charges within sixty days of the LEC's quotation of charges, then the LEC may suggest prorated distribution of charges, based on relative distances of extension of pole lines among the applicants involved. If this suggestion is unacceptable to all applicants, then the LEC may handle each applicant separately, in accordance with paragraphs (A)(1) and (A)(3) of this rule.
- (C) In case the LEC has on file other applications for service, from applicants located along the route to be used to serve the applicants referred to in paragraphs (A)(1) or (A)(2) of this rule, the LEC shall combine the construction projects for the current applicants and the applicants who previously applied for service in accordance with and subject to paragraphs (A)(1) and (B) of this rule, if such action will serve to reduce the amount of construction charges to be paid by either of such groups.
- (D) If the application of paragraphs (A) to (C) of this rule would result in unusual hardship to a LEC, the commission may by order, upon written application and proper showing, authorize such LEC to apply construction charges in excess of those provided by paragraphs (A) to (C) of this rule.
- (E) The LECs in the state of Ohio desiring to establish construction charges as provided in this rule shall forthwith amend their tariffs to comply at least with the rules stated in paragraphs (A) to (C) of this rule.

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Certification

01/10/2011

Date

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