

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

TO

ALL INTERESTED PERSONS

DOCKET NO. 20210137-PU

IN RE: PROPOSED ADOPTION OF RULE 25-18.010, F.A.C.,
POLE ATTACHMENT COMPLAINTS.

ISSUED: August 17, 2021

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated rulemaking to adopt Rule 25-18.010, Florida Administrative Code, Pole Attachment Complaints, to enact a procedural rule to administer and implement section 366.04(8), Florida Statutes (2021), as required by section 366.04(8)(g), Florida Statutes (2021), concerning pole attachment complaints.

A staff rule development workshop will be held at the following time and place:

September 1, 2021, at 9:00 a.m.
Florida Public Service Commission
Betty Easley Conference Center, Room 148
4075 Esplanade Way
Tallahassee, FL 32399-0850

The draft rule and the agenda for the workshop are attached. The workshop will be available to view via livestream on the Commission's website at <http://www.floridapsc.com/Conferences/AudioVideoEventCoverage>.

One or more Commissioners may be in attendance and participate in this workshop. The persons to be contacted regarding the rule development are Adria Harper at (850) 413-6082, aharper@psc.state.fl.us or Kathryn G.W. Cowdery at kcowdery@psc.state.fl.us, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this workshop should contact the Office of Commission Clerk no later than five days prior to the workshop at 2540 Shumard Oak Boulevard., Tallahassee, Florida 32399-0850 or 850-413-6770 (Florida Relay Service, 1-800-955-8770 Voice or 1-800-955-8771 TDD). Assisted Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

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If a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely notice. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at 850-413-6199.

By DIRECTION of the Florida Public Service Commission this 17th day of August,
2021.



ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

KGWC

- 1 25-18.010 Pole Attachment Complaints
- 2 (1) A complaint filed with the Commission by a pole owner or attaching entity pursuant to
3 Section 366.04(8), Florida Statutes, must contain:
- 4 (a) The name, address, email address, and telephone number of the complainant or
5 complainant's attorney or qualified representative;
- 6 (b) A statement describing the facts that give rise to the complaint;
- 7 (c) A statement of the rules and laws governing the complaint;
- 8 (d) Names of the party or parties against whom the complaint is filed;
- 9 (e) An explanation of previous steps taken to reach an agreement on the issue;
- 10 (f) A copy of the pole attachment agreement, if applicable, and identification of the pole
11 attachment rates, charges, terms, conditions, voluntary agreements, or any denial of access
12 relative to pole attachments that is the subject matter of the complaint;
- 13 (g) A statement of the issues to be resolved;
- 14 (h) If applicable, the dollar amount in dispute;
- 15 (i) A statement of the relief requested, including whether a Section 120.569 and 120.57,
16 Florida Statutes, evidentiary hearing is being requested to resolve the complaint; and
- 17 (j) A certificate of service that copies of the complaint have been furnished by email to the
18 party or parties identified in paragraph (1)(d) of this rule.
- 19 (2) The filing date for the complaint is the date that a complaint is filed with the
20 Commission Clerk containing all required information set forth in subsection (1) of this rule.
- 21 (3) The pole owner or attaching entity that is the subject of the complaint must file its
22 response with the Commission within 30 calendar days of the date the complaint was served
23 on that party.
- 24 (4) If the pole owner or attaching entity intends to ask the Commission to establish an
25 alternative cost-based pole attachment rate in a Section 120.569 and 120.57, Florida Statutes,

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 evidentiary proceeding, it must provide the methodology with the complaint or with the
2 response.

3 (5) The Commission will take final action on a complaint at a Commission Conference no
4 later than 360 days after the complaint's filing date as set forth in subsection (2) of this rule.

5 Rulemaking Authority 350.127(2), 366.04(8)(g) FS. Law Implemented 366.04(8) FS. History-
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AGENDA FOR RULE DEVELOPMENT WORKSHOP

1. Staff overview of draft rule.
2. Comments and alternative suggestions from interested persons.
3. Timeframes for next steps.
4. Adjournment.