



172 E. State St., Suite 302
Columbus, OH 43215

www.octa.org



Cable Calendar

NARUC Annual Meeting

www.naruc.org

When: Nov. 11-14
Where: Loews Royal Pacific Orlando
Orlando, FL

ALEC State & Nation Policy Summit

www.alec.org

When: Nov. 28-30, 2018
Where: Grand Hyatt
Washington, DC

NCSL Capitol Forum

www.ncsl.org

When: Dec. 5-7
Where: Hyatt Regency
Washington Capitol Hill
Washington DC

CSG 2018 National Conference

www.csgmidwest.org

When: Dec. 6-8, 2018
Where: Northern Kentucky/
Greater Cincinnati Area

Cable Views

Ohio Cable Telecommunications Association

Issue 3 2018

From the Executive Director: Another Costly Broadband Failure



*Jonathon McGee,
OCTA Executive Director*

Kentucky's state auditor recently released a scathing report of that state's taxpayer-funded broadband network, KentuckyWired, detailing cost overruns, missed deadlines and the prospect that taxpayers could be on the hook for millions.

"When KentuckyWired was announced by the prior administration," Auditor Mike Harmon said, "Kentuckians were told they would only be responsible for a \$30 million investment approved by the General Assembly in 2014, and the majority of funding would come

from private investment. What we now find is that, between what has been paid out thus far, what has been bonded, and what we have been obligated to by former leaders, taxpayers are responsible for 93 percent of the total cost for KentuckyWired."

Harmon is continuing his review of KentuckyWired, which is separately facing scrutiny from state legislators.

A complete copy of the report can be found here:
<http://bit.ly/KYWired2018AuditorReport>.

Unfortunately, the Kentucky experience is not unique. Reports in recent years have detailed significant issues with taxpayer-funded broadband networks throughout the country, including Louisiana, Utah and Memphis, to name a few.

Closer to home, you may recall the Buckeye Institute's policy brief earlier this year examining the City of Lebanon's failed project and the ongoing problems with Medina County's network.

The Ohio Cable Telecommunications Association has long had concerns with government-owned networks. Our view is that local governments are well-positioned to provide quality service in many important health and safety areas for our communities, but are simply not designed or equipped to keep pace with rapid technological advancements in the telecommunications arena.

In short, diverting tax dollars from important health and safety priorities to develop and deploy an advanced communications network is not only bad public policy, but one with costly consequences for taxpayers as well.

State policymakers in Ohio play an important role in enhancing connectivity and the cable industry, as the dominant broadband provider, stands ready to work with you and the communities you represent in meeting their needs.

Spectrum Internet® Gig Launched

Charter Communications recently announced the launch of Spectrum Internet Gig for residential customers and Spectrum Business Internet Gig for small and medium-sized business clients in Columbus, Chillicothe, Athens, Marysville, Newark and nearby communities, featuring the deployment of DOCSIS 3.1 internet services delivering a 1 Gbps connection to the home or business.

Spectrum is fully committed to bringing faster internet speeds to the communities it serves with no modem fees or data caps. Priced at \$104.99 per month for new residential customers, Spectrum Internet Gig is now available to more than 95 percent of the company's footprint, and will be available throughout virtually all of Spectrum's 41-state service area by the end of 2018.

Continued on page 4



Charter Communications partnered with C-SPAN to bring the C-SPAN bus to Columbus as part of its 50 State Capitals Tour. The bus visited several schools in the area, plus the Statehouse and Capital University. Among those participating in the event was Senate President Larry Obhof, who did a live interview on C-SPAN's "Washington Journal" program while aboard the bus, discussing some of the top issues facing Ohio.

Face to Face

with Senator Vern Sykes

Senator Vernon Sykes is currently serving his first term in the Ohio State Senate, representing the 28th District, located in Summit County.

Sykes has dedicated much of his life to public service. He previously served on Akron City Council and in the Ohio House of Representatives. Since 2001, he has passed along his experience in public service to students as a professor of political science and director of the Columbus Program in State Issues at Kent State University.

During his time in office, Sykes has worked to improve life for ordinary Ohioans. He's fought passionately to expand access to early childhood education and to make higher education more affordable. He's also passed bipartisan legislation to fight child abuse and prevent housing discrimination against people with disabilities.

Sykes is a longtime advocate for redistricting reform. As a state representative, his efforts led to a successful ballot initiative to redraw Ohio's state legislative districts in a bipartisan manner. Ohio voters overwhelmingly approved the ballot initiative in November 2015.

His dedication to his constituents earned him several leadership positions while a member of the Ohio House of Representatives. He served as Assistant Majority Floor Leader, Chair of the House Finance & Appropriations Committee,



Jonathon McGee: Tell us about your childhood and how you later came to Ohio.

Vern Sykes: I was born in Arkansas. A place called Forest City. It's about 40 miles southwest of Memphis, Tenn., in an area known as the Mississippi Delta. I was born on a farm. My mother was a beautician and my father was a carpenter, but they had some disagreements and a bitter divorce. My mother decided to move north to live with her father, who was working in the rubber shops in Akron. My four younger sisters and I moved with my mother to Akron.

JM: What year would that have been?

VS: 1961

JM: While you're known around Capitol Square as a legislative veteran, you actually began your career in local government as a member of Akron City Council. How did you first get involved in public service?

Fast Facts:

What's on your nightstand? – Groundwork Ohio's early childhood reports. I'm really interested in education. I'm ranking minority member of Primary & Secondary Education on the Senate Finance Committee and I've served on education committees in the House and in the Senate, I have concluded that improving early childhood education is the single best strategy to improving education in the State of Ohio.

What's your favorite team colors? – I'm a graduate of University of Akron and I teach at Kent State and both school colors are blue and gold.

Who's your political hero? – Nelson Mandela

Chair of the Joint Committee on Agency Rule Review, Co-Chair of the Ohio Constitution Modernization Committee, and Co-Chair of the Budget Planning & Management Commission.

Dr. Sykes earned his B.B.A. in Management and Organizational Behavior from Ohio University. He also holds a Master's of Social and Applied Economics from Wright State University and a Masters of Public Administration from Harvard University. He later earned a Ph.D. in Public Administration from the University of Akron.

Senator Sykes is married to Barbara Sykes, State Director of AARP. They have two daughters, Stancy and Emilia, and two grandchildren, Hugh and Hope.



VS: I went to Ohio University. Initially, my ambition was to work in the private sector. I majored in business because I had been poor and I didn't want to be poor anymore and I thought I would be able to earn more money with a degree in business administration. I got my first job as a Senior Management Specialist for a local economic development program. It was a non-profit, a public agency, but, it focused on providing assistance to small and minority businesses. So I got a chance to get a small glimpse of the roles and objectives of businesses.

I moved on and became a planner for another agency. The Summit County Criminal Justice Commission whose board consisted of politicians, 30 of them, it was required by law that all of them had to be elected officials. The objective was to allocate federal funds from the Great Society program to infuse into the local community to address crime and so, as the planner, I would make recommendations to these folks. But I also discovered that elected officials are the ones delegated

with the authority to make policy decisions. So, I learned through my business administration education and then through my public sector experience that in our society, we delegate responsibility to make policy decisions to a chosen few. On the corporate side, a board of directors is selected and they control the policy decisions for the corporation, etc. But in the public sector, we elect members of city council or Congress, to represent us. So, I had to make a decision as to what side of the road I wanted to be on. What goals and objectives did I want to dedicate my life to working towards? I decided I wanted to promote public service as opposed to advancing private interests.

JM: So, then you ran for city council?

VS: Yes, my wife Barbara worked in Akron City Council as a Deputy Clerk. I remember her telling me that I was better prepared than most of the current members. So I decided to run for the 3rd Ward seat.

JM: In 1983, not long after Dick Celeste took office as governor, you were appointed to the Ohio House, replacing Pete Crossland, whom Celeste had tapped for a post in his administration. What prompted you to seek appointment to the House?

VS: In order to run for city council, I had to quit my job as a planner, because the agency I worked for was funded with federal dollars and it was a violation of the Hatch Act, a federal law that placed limits on participating in partisan politics. So, I quit my job as a planner, won the city council election and worked as a full-time city council member. As a city council member, I volunteered to help candidates in campaigns. I was the minority coordinator for Dick Celeste in Summit County and that gave me a chance to work in and around state politics. I worked hard on the Celeste campaign, we were successful in generating a significant voter turnout for Dick Celeste. An opportunity opened up because Pete Crossland, the incumbent State Representative, obtained an administrative appointment in the new administration. I had made political inroads through Dick Celeste's campaign team, and they recommended me for the appointment to fill Pete Crossland's vacancy.

JM: You've been at the Statehouse through some pretty significant times in our state's history. When you look back over your tenure, what are some of the significant moments in history or milestones that stand out to you?

VS: We had a savings and loan crisis, a national crisis, and each state dealt with it differently. In Ohio, we worked across the aisle. We enacted legislation that froze all of the deposit accounts, then transferred the money to other banks that were very solvent. By doing that, the depositors decided not to withdraw their funds. This strategy prevented a run on our savings and loan institutions. As you know, when you make a deposit at a financial institution, at least 80 percent of that money is automatically loaned out and not available to be withdrawn. The banks invest the deposits to earn interest. That's how they are able to pay the depositors interest. Banks hold only a small percentage of their deposits on reserve. No bank in the United States could survive if depositors tried to withdraw all deposits, a run on the bank. But, by transferring the deposits to other institutions, we regained public confidence that the money would be there if they needed it. The depositors did not withdraw their funds and we survived the savings and loan crisis without losing a penny of depositor's money. The only state in the nation to do so, and I think that is very significant.

JM: You've served in the legislature during the administrations of five different governors – Dick Celeste, George Voinovich, Bob Taft, Ted Strickland and now, John Kasich. Has the role or balance between the executive and legislative branches changed since you first came to the Statehouse in 1983?

Significant change. When I first came to the legislature in the early 80s, the legislature dominated the policy process. We had Speaker Vern Riffe, who was the longest serving legislative leader of any state in the nation, and wielded a lot of influence over the policy process. That's one of the differences I noticed coming from the city council to the legislature. On city council ninety-nine percent of all the legislation was generated and produced by the administration, it was just stamped with the legislator's name, who happen to chair certain committees. But usually the council sponsor didn't find out about the legislation until it was discussed in committee. But when I came to the state legislature, I found that administrative proposals would only get considered if they could identify and convince a state lawmaker to introduce legislation. Before term limits, there was a strong network of legislators, committee chairs and legislative leaders who had learned and earned their way into influential positions. Governors collaborated with them as truly co-equal powers. With the advent of term limits, legislators are not able to acquire the experience and/or the influence they could obtain when they could stay in committee and leadership positions for several terms. Now, the governor's office and the administration has an advantage and the legislature is not a co-equal partner, and I think this is very unfortunate.

JM: You've been involved in so many fiscal and legislative issues through the years. Redistricting, for example, is certainly a very significant accomplishment in your career. Could you share with us some other legislative initiatives you are especially proud to have helped advance?

VS: Back in the late 80s, I was a sponsor of Fair Housing legislation. At the time, the federal government had financial sanctions against the State of Ohio because of our weak statue. I was able to get legislation approved to make Ohio's law substantially equivalent to the federal law. That afforded us the opportunity to get about \$1-3 million in additional revenue from the federal government for Fair Housing cases that we handled at the state level. HUD and fair housing agencies in Ohio indicated that it was the strongest Fair Housing legislation in the nation at that particular time. I'm proud of that.

I'm the sponsor of the Open Meetings Law. Local governments were required to have open meetings but the General Assembly was exempt, there was no open meetings requirement of the state legislature. I can recall the conference committee used to be a held in a closed room, roped off with the Highway Patrol or security guards monitoring who comes in and out. The media was not allowed. I thought that it was a problem and that legislative meetings should be open to the public just like local government. It was very difficult to get through because Vern Riffe was the speaker of the House and he didn't think it was a very good idea. But, by working with the media and good government groups, I was able to get some movement through the House and Senate. I am proud to be the sponsor of Ohio's Open Meeting Law.

During the Medicaid expansion debate, I served on a special work group of Senate and House members appointed to work

Continued on page 4

out a solution. While serving on the work group, I gave the idea to the Kasich administration to go use the Controlling Board to authorize Medicaid expansion in Ohio. I had served on the Controlling Board, I knew the Controlling Board had the authority. I had several conversations with the governor and his staff and they agreed with me that it could be done. I'm very proud that I suggested the strategy to extend Medicaid health services to over 700,000 needy persons in Ohio

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JM: What do you see as a few of the top challenges we face as a state today, and if you like, your thoughts on how to tackle those issues?

VS: I believe our overall tax structure, how we raise revenues in the state of Ohio, is a continuing challenge. Governor Kasich during his terms in office has advocated eliminating the income tax. The benefit of the income tax, is that it's a progressive tax, meaning that people at higher incomes pay a higher rate and people at lower incomes pay lower rates. I favor a more progressive tax rate structure. As we reduced the income tax we increased our dependency on the sales tax and other more regressive taxes. This is very problematic.

Secondly, we have cut funding for local governments. Years ago we had a Local Government Commission, headed by the lieutenant governor. Local governments enjoyed a stronger connection and more access to state government as partners. There was an unwritten agreement that local government officials would support the state raising taxes at the state level because state officials agreed to share the revenue with local governments. More recently we have abandoned this revenue sharing understanding and cut support to local governments, and our schools and other local governments are suffering.

JM: Early childhood education is an issue about which you've been passionate for a longtime. It seems there is a growing recognition of its importance. Would you agree with that? Why do you believe early childhood education is such an important issue?

VS: If you look at the report cards for our schools, across my district and across most of districts in the State of Ohio, for the most part, they are failing. Why are they failing? They are failing because the students are not able to test at grade level. Why can't you test at grade level? Because when you start, most of them are so far behind. In fact, the State Board of Education indicated that only thirty-seven percent are on grade level, prepared adequately to start kindergarten. That means that the majority of our students are not prepared. A significant percentage of those who come to kindergarten ill prepared do not and/or are really not able to catch up. Their initial deficiencies continue to be a disadvantage because the child's potential to learn is determined by the structure of the brain that is developed or underdeveloped in early childhood. This is the single most important issue that affects our competitiveness, our creativity, our productivity and the opportunity to improve the quality of life in Ohio.

JM: You have the very unique distinction of serving in the legislature with your daughter, Emilia, who is earning accolades as an up-and-coming legislator in her own right. Tell us about her and what it's like watching her follow in the footsteps of your wife Barbara and yourself.

VS: Emilia has been a superstar all of her life. Barbara and I provided good educational opportunities for our children, our daughters Stancy and Emilia. Emilia started in Montessori school. When she got old enough to go to kindergarten we wanted her to attend public schools. I went down the street a few blocks from where we lived, to the elementary school that I had attended to observe a kindergarten class. In observing the class, I realized that Emilia was already beyond that material. I shared my observation with the principle and she had Emilia tested. Before her kindergarten year, Emilia tested at third grade reading level and first grade math. They advised us to keep her in the private school because that is where she will better be able to matriculate with academic peers at her age level. But, we are strong supporters of public schools, and she was placed in first grade and attended third grade reading classes.

Emilia is a passionate intellectual committed to public service. She has always aspired to leadership positions. She served as president of student council for both her middle school and high school. She graduated from Kent State University with honors and holds a law degree and master's in public health. She has earned and enjoyed an outstanding tenure as a state representative and we are spell bound observing and anticipating her future success.

But, Barbara and I have two daughters. They both hold two graduate degrees and have outstanding public service records. Our daughter Stancy, is a teacher in the public school system. She worked at the University of Akron for 12 years in higher education administration, that's her first masters, she decided that she could have a more significant impact teaching in the public school system and she went back and earned a second master's in education. I tried to get her to major in early childhood but she has a passion for special education

JM: What school does she teach at?

VS: Schumacher Elementary School in Akron.

JM: What advice do you have for the cable industry?

VS: I was on city council when we negotiated the cable franchise agreement with the City of Akron. One of the negotiation provisions was that cable companies would provide public access to afford individuals and groups opportunity to use this powerful media outlet. Times have changed and technologies have advanced, however, I believe that cable providers should continue to work with individuals, governments and community organizations to offer strategies and opportunities to facilitate and allow all segments of our community access to the ever growing potentials of cable television.

Spectrum Internet® Gig Launched – Continued from page 1

"Spectrum's state-of-the-art, fiber-rich network allows us to deploy dramatically faster broadband speeds, including gigabit connections, broadly and rapidly," said Tom Rutledge, Charter Communications Chairman and Chief Executive Officer. "As consumer demands for bandwidth and capacity grow, our world-class network is best-positioned to meet these demands, today and into the future."

Charter announces government affairs changes

Charter Communications (Spectrum) recently announced changes to its Columbus government affairs team.

After more than eight years in the cable industry, Megan Lashutka has made the decision to leave the company in order to open her own consulting practice in Columbus, The Lashutka Group. In her new role, Lashutka will serve as a legislative consultant for Charter.

Serving as Charter's new Regional Senior Director is Connie Luck (née Wehrkamp), who started with the company in 2017 as director of government and community strategy for Charter's eight-state Midwest Region. As regional senior director, Luck assumes the responsibility of leading Charter's legislative and regulatory matters in Ohio, West Virginia and Pennsylvania.

Replacing Luck as Director of Government and Community Strategy is Bobbie Gilbert, currently a manager of government affairs for Charter. In this role, Gilbert will lead efforts to engage elected officials and other key stakeholders through

unique and targeted partnership opportunities.

A 19-year veteran of Ohio politics, Lashutka got her start as a congressional campaign volunteer, state party and majority campaign staffer, member of Ohio House of Representatives policy staff, regulatory analyst, and lobbyist.

For more than a decade, Luck has served in various government affairs, communication and political roles at both the state and national level, including with the Office of Governor John R. Kasich and the Governor's Office of Health Transformation, New Day for America, JobsOhio, Kasich-Taylor for Ohio and the National Federation of Independent Business-Ohio.

Gilbert joined Charter in 2011 after working as a policy and legislative aide in the Ohio General Assembly and in the Ohio Secretary of State's office. In addition to her experience in state government, Gilbert previously spent more than 20 years in the human services field , where she worked closely with community and social service organizations.

Ohio Cable★PAC

Ohio Cable Political Action Committee

Company Participation

(July 1 – October 8, 2018)

Company	Amount Raised	Goal
Armstrong Cable	\$0	\$2,496
Buckeye Broadband	\$1,785	\$10,972
Comcast	\$3,000	\$1,430
Cox Communications	\$3,842	\$1,500
G.L.W. Broadband	\$500	\$400
MCTV	\$20,810	\$2,750
Suddenlink	\$0	\$1,400
Total	\$29,937	\$20,948

Individual Contributions

(July 1 – October 8, 2018)

Buckeye Broadband
Jeff Abbas
Mike Bilik
Kayla French
Jeff Hansen
Marc Jaromin
Brad Mefferd
Jessica Pitzen
Sarah Riedeman
Charles Riley
Nicholas Vitou

Cox Communications
Rob Brill
Dave Butas
MCTV
Dave Hoffer
OCTA
Jonathon McGee
Precision Broadband Installation
Tyler Caraway
Chris Steininger

Capital Update

Legislative Update:

AT&T/OTA Deregulation Legislation: New legislation further deregulating incumbent local exchange carriers (ILECs) was introduced by Rep. Brian Hill, R-Zanesville, as House Bill 402. This legislation would make changes to Basic Local Exchange Service (BLES) and lifeline regulation.

The OCTA was opposed to this legislation as introduced but worked on the legislation with the Ohio Telecom Association (OTA) and the bill's sponsor, as well as House Public Utilities Committee Chairman Bob Cupp, R-Lima, to make changes to the bill to resolve our concerns. Language was included in the bill to address our issues before it was passed by the House on June 20, 60-33. It was recently referred to the Senate Public Utilities Committee. It is expected that this legislation will see action in the Senate when lawmakers return to Columbus following the election.

Broadband Expansion Legislation: House Bill 281, sponsored by Rep. Rick Carfagna, R-Genoa Township, which would create the Residential Broadband Expansion Program (RBEP) to be administered by the Ohio Development Service Agency (DSA), was passed by the House on Jan. 31. The Senate referred the bill to its Finance Committee and on June 19 the bill had its first hearing. The OCTA will continue working in the Senate in an attempt to make further changes to the bill.

Co-sponsors Speaker Ryan Smith, R-Bidwell, and Rep. Jack Cera, D-Bellaire, also continue work on House Bill 378, which was voted out of the House on April 11. The OCTA expressed to Smith and Cera that as it was reported out of committee, the OCTA could not support the bill. The bill was referred to the Senate Finance Committee, which has had no hearings on the measure.

Senate Bill 225 (the Senate version of HB 378, which is sponsored by Sens. Joe Schiavoni and John Eklund) had a second hearing for proponent testimony in the Senate Finance Committee on June 5. We are working to educate the members of the Senate Finance Committee of our concerns.

Threatening Utility Workers: Republican Reps. Jeff Rezabek of Clayton and Dave Greenspan of Westlake introduced House Bill 276 to expand the offense of aggravated menacing to prohibit threatening a utility worker with the intent to obstruct the operation of a utility. The OCTA amendment to cover cable was incorporated into the bill before it was passed by the House on Jan. 31. The bill had its second hearing on May 15 in the Senate Judiciary committee, but no further action has taken place. Rezabek has since stepped down from the legislature to become a local judge in Montgomery County.

Critical Infrastructure Legislation: Senate Bill 250 was introduced on Jan. 24 by Sen. Frank Hoagland, R-Mingo Junction. This legislation is designed to provide further protections to "critical infrastructure" by enhancing penalties

associated with certain types of wrongful acts. The definition of "critical infrastructure" in the initial draft of the bill did not include cable operators' property and facilities. OCTA staff worked with the bill sponsor and other interested parties on our concerns, and cable operators' facilities are now covered by the bill as introduced.

The bill had its second hearing in the Senate Judiciary Committee on June 5 at which a substitute bill was accepted. The substitute bill did not make changes to the language the OCTA advocated for nor did its changes impact cable. No further action is scheduled on this legislation at this writing.

Spoofing: Companion pieces of legislation were introduced in each chamber to create the offenses of theft or conversion of a telephone number or exchange and providing misleading caller identification information. House Bill 597 was introduced by GOP Reps. Keith Faber of Celina and Jonathan Dever of Cincinnati. Association staff worked with legal counsel on reviewing this legislation and a draft substitute bill was prepared. We are working with the sponsors on effecting a few changes to the bill. Sen. Dave Burke, R-Marysville, has the companion legislation, in the Senate.

PUCO Update:

The OCTA is currently active in four dockets at the PUCO concerning the effects of the Tax Cuts and Jobs Act (TCJA) and how those tax breaks effect pole rates. The PUCO has an ongoing investigation docket, Duke, Ohio Power (AEP) and FirstEnergy (FE) have each opened their own dockets to resolve all of the tax issues engendered by the TCJA, and FE has a docket to increase their pole rates which the OCTA has objected to as we do not believe FE has appropriately accounted for the tax break in its rate calculation. The OCTA recently entered into a settlement agree with AEP to resolve issues surrounding the tax cut and pole rate calculations (see below for details).

PUCO Tax Investigation Docket (Case No. 18-47-AU-COI): The PUCO earlier this year ordered all Ohio utilities to create a deferred tax liability and more recently decided to hold a hearing on July 10 in this docket; the only question for the hearing was whether the utilities should be required to establish a deferred tax liability, effective Jan. 1, 2018.

The OCTA intervened in this case and our expert witness, Patricia Kravtin, testified in writing and in person that because pole rates are affected by the TCJA, the accounting change (the deferred tax liability) should not result in any harm to pole attachers, including advocating for a directive from the PUCO to ensure the utilities separately track the pole-related deferred tax liability that will eventually flow into future pole rates.

On Oct. 24, the PUCO ordered all rate-regulated utilities to file by Jan. 1., 2019, their own applications to pass along the TCJA

savings. The PUCO encouraged them to follow AEP's example (see below). It exempted several utilities from the filing order – those utilities who have already implemented proposed riders to pass back the tax savings, companies with less than 10,000 customers, non-profit utilities, and RCC and telecos. It also exempted those same companies from accounting for the deferred liability unless already undergoing a pending case.

Importantly, the PUCO stated at paragraph 30 that the AEP cases "aptly" demonstrated how the PUCO intends to have all tax savings returned to customers "and address specific concerns raised by interested stakeholders..., **including those concerns of OCTA and the effect of the TCJA on pole attachment rates.**" In addition, the PUCO went on to state:

"Specific to those concerns raised by OCTA, **the Commission agrees with OCTA that it would be inappropriate to remove the excess ADIT for purposes of the pole attachment rate calculation in a one-time lump sum adjustment.** Therefore, consistent with our company-specific approach, the Commission directs pole owners filing future pole attachment rate adjustment applications to deduct, in addition to ADIT and depreciation reserves, any unamortized excess ADIT resulting from the TCJA from total gross plant and gross pole investment in their pole attachment rate calculations. The Commission will then determine whether such a deduction is appropriate under the facts and circumstances of that particular case." (Emphasis added.)

Overall, this is a very good result for the OCTA and will be very helpful going forward. This decision will have implications for the two other open dockets in which the impact of the TCJA on pole rates is at issue.

FirstEnergy Pole Rates: On May 1, the three FirstEnergy utilities filed applications seeking to increase pole attachment rates. The PUCO did not suspend the tariff; however, the OCTA requested that the PUCO reconsider its decision. The OCTA posited that the PUCO did not take into account in its ruling the effect of certain accounting treatments made by FE in relation to the TCJA.

Reconsideration was recently granted, not on the merits but to give the PUCO additional time to review the case. As such, the newly proposed rates are not in effect.

FE has also filed its own docket to resolve an issue related to the TCJA.

Ohio Power (AEP) Tax Docket: The OCTA and other interested parties recently entered into a settlement agreement with Ohio Power Company (AEP) which works a favorable and fair result. The PUCO has approved the settlement. As a result of the OCTA intervening in this docket, OCTA members will see close to \$1 million dollars in savings over the next three years. To review the settlement stipulation, please follow this link: <http://bit.ly/PUCO18-1007-EL-UNC>

MCTV's Excellerate Serves 1,000 Customers

MCTV, a leading internet, TV and phone provider in Stark and Wayne counties, hit the 1,000-mile mark and now serves more than 1,000 customers with Excellerate's fiber-to-the-home internet technology.

The Excellerate project officially launched in June 2017. The project rapidly progressed and has already reached a major milestone. Excellerate uses a fiber-to-the-home technology paired to provide symmetrical download and upload speeds. Symmetrical speeds up to 100 Mbps let users stream smoother, game harder and surf faster - especially heavy internet users. Excellerate empowers customers do all these things at the same time, without sacrificing performance.

"Our MCTV technicians have spent countless hours working diligently in the field to build Excellerate in order to deliver the best Internet experience for our customers," said Robert Gessner, president of MCTV. "We now have more than 1,000 miles of fiber built and have more than 1,000 Excellerate customers throughout Stark and Wayne counties. This is a proud day for MCTV and a huge accomplishment for the entire team. Hitting 1,000 miles and customers exemplifies our dedication to providing high quality experiences for our customers, today and into the future."

Excellerate is currently available to customers in select areas and will eventually be available across nearly the entire MCTV footprint.

Duke Tax Docket: Duke has also filed its own application in regards to the TCJA (18-1185-EL-UNC et al.). On August 14, the OCTA filed to intervene in this docket. Duke objected to our intervention and the OCTA has now filed a reply to Duke's objection. Additionally, the OCTA served discovery on Duke which was due from Duke on Oct. 11. However, Duke has asked the PUCO to delay its response deadline until the PUCO rules on the OCTA motion to intervene. While the PUCO considers these motions, the PUCO staff has encouraged the OCTA to enter into settlement discussions with Duke, which the OCTA will do.