

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
BellSouth Telecommunications, LLC d/b/a ) Proceeding Number 20-276
AT&T Florida, ) Bureau ID Number EB-20-MD-003
Complainant, )
v. )
Duke Energy Florida, LLC, )
Defendant. )

ORDER

Adopted: June 14, 2022

Released: June 14, 2022

By the Chief, Market Disputes Resolution Division:

1. On June 9, 2022, the Florida Public Service Commission (Florida PSC) certified to the Federal Communications Commission (Commission) pursuant to 47 U.S.C. § 224(c) that it:

- a) regulates the rates, terms, and conditions for pole attachments;
b) in so regulating has the authority to consider and does consider the interests of the subscribers of the services offered via such attachments, as well as the interests of the consumers of the utility services; and
c) has issued and made effective rules and regulations implementing the State of Florida’s regulatory authority over pole attachments (including a specific methodology for such regulation which has been made publicly available in the state).1

2. On June 13, 2022, the Commission issued a Public Notice of the receipt of the Florida PSC’s certification pursuant to section 1.1405(c) of the Commission’s rules.2 As a result, the Commission no longer has jurisdiction over the matters raised in this proceeding. Pursuant to section 1.1405(d) of the Commission’s rules, this proceeding is hereby forwarded to the Florida PSC, and all future communications regarding this matter should be directed to the Florida PSC.3

1 Letter from Keith C. Hetrick, General Counsel, Florida PSC, to Marlene Dortch, Secretary, FCC, WC Docket No 10-101, States That Have Certified That They Regulate Pole Attachments (filed June 9, 2022) (attaching “47 U.S.C. § 224(c) Certification to the Federal Communications Commission”) (Section 224(c) Certification)).

2 States That Have Certified That They Regulate Pole Attachments, WC Docket 10-101, Public Notice, DA 22-630 (WCB June 13, 2022); 47 CFR § 1.1405(c).

3 47 CFR § 1.1405(d). Accordingly, the Commission will forward the pleadings and documents filed in this proceeding to the Florida PSC consistent with any instructions to be provided by the Florida PSC.

3. Accordingly, **IT IS ORDERED**, pursuant to sections 1, 4(i), 4(j), 208, and 224 of the Act, 47 U.S.C. §§ 151, 154(i), 154(j), 208, 224, and sections 1.3, 1.720-1.740 and 1.1401-1415 of the Commission's Rules, 47 CFR §§ 1.3, 1.720-1.740, 1.1401-1415, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.311, that the proceeding before this Commission **IS CLOSED**.

4. **IT IS FURTHER ORDERED**, pursuant to sections 1, 4(i), 4(j), 208, and 224 of the Act, 47 U.S.C. §§ 151, 154(i), 154(j), 208, 224, and sections 1.3, 1.720-1.740 and 1.1401-1415 of the Commission's Rules, 47 CFR §§ 1.3, 1.720-1.740, 1.1401-1415, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.311, that the pleadings and documents filed in this proceeding **WILL BE FORWARDED** to the Florida PSC consistent with any instructions to be provided by the Florida PSC.

FEDERAL COMMUNICATIONS COMMISSION

Rosemary McEnery  
Chief, Market Disputes Resolution Division  
Enforcement Bureau