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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20541

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In the Matter of )  
)  
AMERICAN CABLESYSTEMS OF )  
FLORIDA, LTD., a )  
Massachusetts Limited Partnership )  
d/b/a/ Continental Cablevision )  
of Broward County and )  
CONTINENTAL CABLEVISION OF )  
JACKSONVILLE, INC., a )  
Florida Corporation )  
)  
Complainants, )  
)  
v )  
)  
FLORIDA POWER & LIGHT COMPANY )  
)  
Respondent. )

22 95-15

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File No. PA-91-0012

TO: The Common Carrier Bureau

RESPONSE OF FLORIDA POWER & LIGHT COMPANY

Jean G. Howard, Attorney  
FLORIDA POWER & LIGHT COMPANY  
9250 West Flagler Street  
Miami, Florida 33174  
(305) 552-3929

September 29, 1992

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## SUMMARY OF ARGUMENT

The sole issue in this case is use by Florida Power & Light Company ("FPL") of subaccount 369.1 in the denominator of the maintenance part of the FCC's formula for pole attachment rates. Subaccount 369.1 is overhead services. The remainder of 369 is underground services and is excluded by FPL. Complainants allege only that they attach to poles.

Complainants fail to make a prima facie showing that FPL's pole attachment rate is unjust or unreasonable. Indeed, they cannot, in that, the FCC has recognized that use of the subaccount 369.1 results in a more accurate rate and Complainants admit that FPL reports subaccount 369.1 in FPL's FERC Form 1.

FPL reports subaccount 369.1 in FPL's FERC Form 1 pursuant to agreement with FERC that FPL should report the subaccounts consistent with FPL's actual calculation of depreciation rates, which includes subaccount 369.1, in FPL's FERC Form 1. This agreement was the result of an order from the Florida Public Service Commission, FPSC Order No. 17903, approving a change in FPL's methodology of calculating individual depreciation rates and development of individual depreciation rates for subaccount 369.1. The FCC's rules allow for rebuttable presumptions and reasonable refinements to enhance accuracy of the pole attachment rate. FPL has demonstrated that its pole attachment rate of \$6.04 is just and reasonable.

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TO: The Common Carrier Bureau

RESPONSE OF FLORIDA POWER & LIGHT COMPANY

Respondent Florida Power & Light Company ("FPL"), through counsel and pursuant to 47 C.F.R § 1.1407 responds to the complaint filed by American Cablesystems of Florida, Ltd. and Continental Cablevision of Jacksonville, Inc. ("Complainants") on August 5, 1992 and for the reasons set forth below demonstrates that use of the subaccount 369.1 in calculating the maximum lawful rate which FPL may charge for pole attachments pursuant to Section 224 (also referred to as the

"Pole Attachment Act") of the Communications Act of 1934, as amended, 47 U.S.C. § 224 ("Communications Act") and 47 C.F.R. § 1.1409(c), is just and reasonable: (a) there is no delay or undue complication in calculating the FPL rate since FPL reports the subaccount in the FPL's Annual FERC Form 1, (b) use of the subaccount results in a more accurate rate, and (c) use of the subaccount 369.1 is consistent with and permissible under both the Federal Communications Commission's ("Commission") formula for rate calculation and the Federal Energy Regulatory Commission's ("FERC") reporting requirements.

#### **BACKGROUND**

1. FPL is an investor-owned electric utility which provides electric service to customers in thirty-five counties in the State of Florida. FPL is regulated by the Florida Public Service Commission ("FPSC"). The FPSC does not regulate rates for pole attachments of cable television. FPL owns or controls utility poles which it uses to install its plant for distribution of electric service. Where technically feasible and where attachments will not interfere with FPL's service requirements, FPL currently allows attachments to its distribution poles for cable television and other communications services. FPL charges cable television operators a reasonable fee for use of FPL poles based upon FPL's costs as reported with regulatory agencies and

Commission requirements. (Complaint, Exhibit C.)

2. Complainants own and operate cable television systems serving Broward County, Florida and Jacksonville, Florida, respectively. (Complaint, page 1, ¶ 1.) Complainants apparently also own and operate cable television systems in the several other local jurisdictions within FPL's service territory as listed on Complainants' pole attachment agreements with FPL. (Complaint, Exhibits A and B.)

3. Each Complainant has entered into a pole attachment agreement with FPL. These agreements are attached to the Complaint as Exhibits A and B. Under these agreements, FPL currently charges Complainants an annual attachment fee of \$6.04 per attachment. (Complaint, Exhibit C.) Complainants allege that they are currently attached to 22,362 FPL poles. (Complaint, page 3, ¶ 7.)

4. In calculating the maintenance component of its current pole attachment rate, FPL used subaccount 369.1 (overhead services) rather than the primary account 369 which encompasses both overhead and underground services. (Complaint, Exhibit C; Exhibit A, attached hereto.)

5. FPL reports subaccount 369.1 in its FERC Form 1. This reported figure was used in the calculation of the FPL rate. (Complaint, Exhibit D, page 337, line 55; Exhibit B attached hereto.)

6. The sole issue raised by Complainants is whether FPL's use of the subaccount 369.1 (overhead services)

in the calculation of the maintenance component of the pole attachment formula results in an unjust and unreasonable rate. (Complaint, pages 6-7, ¶ 18.) Complainants do not challenge FPL's data or numerical calculation. Nor do Complainants challenge any component of FPL's calculation under the Commission's pole attachment formula, other than use of subaccount 369.1 (overhead services). Complainants allege simply that use of subaccount 369.1 is always and unequivocally unjust and unreasonable. Complainants, in effect, ask the Commission to re-examine the reasonableness of the reporting requirements sanctioned by FERC, (Complaint, pages 8-9, ¶ 21), and the data reported in FPL's FERC Form 1 and to declare that even when there are no considerations of delay or need for a evidentiary ratemaking hearing, accuracy in the pole attachment rate is "per se" unjust and unreasonable.

7. FPL and counsel for Complainants have discussed FPL's use of the subaccount 369.1. FPL has indicated to Complainants' counsel, FPL's position that (a) the FPL pole attachment rate is just and reasonable and (b) FPL's use of subaccount 369.1 is consistent with the Commission's rule 47 C.F.R. § 1.1409(c). (See, e.g., Complaint, page 3, ¶ 8.)

8. The remaining allegations in the Complaint are denied or distinguished as further discussed below. FPL reserves all right to claim or counterclaim in any other proceeding that FPL is entitled to a rate approaching the

statutory maximum which is greater than the \$6.04 currently charged.

9. Attached hereto is a certificate of service on American Cablesystems of Florida, Ltd. d/b/a Continental Cablevision of Broward County, Continental Cablevision of Jacksonville, Inc., the Federal Energy Regulatory Commission and the Florida Public Service Commission.

**FPL'S RATE IS JUST AND REASONABLE**

10. FPL's current fee of \$6.04 for attachment of cable television services to FPL poles is just and reasonable under Section 224(d)(1) of the Communications Act and 47 C.F.R. § 1.1409(c). FPL's calculation is set out in Exhibit A attached hereto. The only difference between FPL's calculation in Exhibit A and the calculation of the Complainants, set out in Exhibit E of the Complaint, is in L11, paragraph 3.a. maintenance expense. Complainants use the primary account 369 services; FPL uses the subaccount 369.1, overhead services. It is use of the subaccount 369.1 rather than the primary account 369 which creates the more accurate rate that Complainants object to. (Complaint, ¶ 18.)

11. The burden of showing that FPL's rate is unjust or unreasonable is on Complainants. 47 C.F.R. §§ 1.404 (f), (g), and (j). Complainants' attempt to meet this burden, in effect, by arguing that since subaccount 369.1 is not the full account 369, it is always and per se unjust and unreasonable-

-even if it is more accurate and even if there is no delay in calculation because the account is reported in FPL's FERC Form 1.

12. Complainants provide no facts whatsoever, as they cannot, showing that FPL's use of subaccount 369.1 as reported in FPL's FERC Form 1 "would unduly complicate and unnecessarily delay the process of determining the maximum lawful rate." (Complaint, page 9, ¶ 21.) Complainants provide no facts, as they cannot, showing that FPL's use of subaccount 369.1 as reported in FPL's FERC Form 1 upsets the "balance" of the Commission's formula. (Complaint, page 10, ¶ 22.) Complainants provide no facts, as they cannot, proving that FPL's use of the subaccount 369.1 is unsanctioned by FERC or inconsistent with FCC philosophy of capturing only pole-related expenses when such figures are available through FERC Form 1 or other reports filed with state or federal regulatory agencies. (Complaint pages 9-10, ¶ 22.)

13. FPL demonstrates below, pursuant to 47 C.F.R. §1.1407(a), that FPL's use of the subaccount 369.1 (overhead services) in the denominator of the maintenance component is just and reasonable.

A. FPL Derived Data Used In Its Pole Attachment Rate From FPL's FERC Form I As Required By The FCC Rules.

14. FPL reports subaccount 369.1 on page 337, line 55 of the FPL FERC Form 1 filed December 31, 1991. FPL used this FERC Form 1 data in FPL's calculation of the \$6.04 pole

attachment rate. (See Exhibit A and Exhibit C, Affidavit of Rosemary Morley, attached hereto.)

15. Complainants' reliance on the case of Warner Amex Cable Communications, Inc. v. Arkansas Power & Light Co., PA-82-0019 (Oct. 11, 1983), (Complaint, Exhibit G), is misplaced. In the Arkansas case, Id., the Commission stated that use of the subaccount 369.1 was "more accurate ...than one which includes expenses for both overhead and underground services." Id. at page 4. The Commission declined to accept Arkansas Power & Light Company's use of subaccount 369.1 in that case, because Arkansas Power, unlike FPL, had not reported the subaccount 369.1 in its FERC Form 1. The Commission determined that because Arkansas Power's "overhead expenses are not reported in a separate account in FERC Form 1, and to provide the kind of detail necessary to support allocation of the accounts used to compute the components of the carrying charges would unduly complicate and unnecessarily delay the process of determining the maximum lawful rate... [t]his would contravene the statutory mandate in favor of a simple and expeditious process rather than a full-blown rate case." Id. at page 4. Where as in the instant case, subaccount 369.1 is reported in the FERC Form 1, and where use of that subaccount results in a more accurate rate, no delay ensues, a full-blown rate case is unnecessary, and it is just and reasonable to use subaccount 369.1 in calculating the pole attachment rate.

16. FPL has used subaccount 369.1 in the calculation of FPL's attachment rate for cable television since 1988. At all times that FPL used subaccount 369.1 in the calculation of the cable television attachment rate, subaccount 369.1 was reported in the FPL FERC Form 1, and was a matter of public record. See Exhibit C, Affidavit of Rosemary Morley.

17. Because FPL uses data reported in FPL's FERC Form 1, See Exhibits A and C attached hereto, there is no delay in the process of determining a maximum and lawful rate and there is no need to require a full-blown rate case. Complainants have not explained how FPL's use of subaccount 369.1 (overhead services) reported in FPL's FERC Form 1 violates the requirement that data used in the pole attachment calculation "be derived from ... FERC Form 1, or other reports filed with state or Federal regulatory agencies." 47 C.F.R. § 1.1404(g)(12). Nor have Complainants explained how FPL's use of data reported in FPL's FERC Form 1 violates the Congressional mandate that the Commission not adopt special accounting measures but rely on reports already on file with various regulatory bodies and which, therefore, are a matter of public record and make "its best estimate" of only those less readily identifiable costs. (Emphasis added.) Amendment of Rules and Policies Governing the Attachment of Cable

Television Hardware to Utility Poles, 2 FCC Rcd. Vol. 15, 4387, 4388 (1987), recon. denied, 4 FCC Rcd. 468 (1989) (1987 Report and Order).

B. Use Of Subaccount 369.1 Is Sanctioned By FERC.

18. Complainants' allegations that FPL reports subaccount 369.1 in its FERC Form 1 as a "ploy" or "strategy" to increase the attachment rate for cable television and that such action by FPL will result in a "movement to gratuitously list" subaccounts in FERC Form 1's (Complaint, page 9, ¶ 22) are without basis in fact or law. Such allegations, in effect, request the Commission to question the cost methodology of the Florida Public Service Commission and the reporting requirements of FERC and to review accounts reported in FPL's FERC Form 1. Complainants admit that FERC regulations provide for establishment of subdivision accounts by the electric utility, provided that the integrity of the prescribed accounts is not impaired. (Complaint, page 8, ¶ 21; 18 C.F.R. Chapter 1, Part 101, General Instructions, ¶ 2D (4-1-92 Edition).) Complainants have not shown, as they cannot, that use of subaccount 369.1 impairs the integrity of the prescribed account 369. The FERC Rules and Regulations, in 18 C.F.R. Chapter 1, Part 116, ¶ 369 (4-1-92 Edition), specifically identify overhead services and underground services as minimum requirements for property units.

19. Contrary to Complainants' allegation, (Complaint, page 9, ¶ 22), FPL did not suddenly decide to

invent subaccount 369.1 for the purpose of manipulating the rate which FPL could charge for pole attachments of cable television operators. The creation of a subaccount requires a tremendous amount of record-keeping by the utility and time spent in maintaining, summarizing and reconciling the subaccount. A subaccount is not created "gratuitously." FPL's subaccount 369.1 was established for the purpose of accounting for the differences in the property units and life characteristics of overhead and underground property. FPL obtained an order from the Florida Public Service Commission approving FPL's depreciation practices, including use of the subaccount 369.1. See Affidavit of Albert P. Farinelli, Jr., Exhibit D and Exhibit E, certified copy of FPSC Order No. 17903, attached hereto. Complainant's allegation, therefore, that FPL's use of subaccount 369.1 will suddenly cause "utilities to gratuitously list other subaccounts somewhere in their FERC Form 1's" (Complaint, page 9, ¶ 22), is unfounded.

C. Use Of Subaccount 369.1 Is More Accurate And Does Not Upset "Balancing."

20. The use of subaccount 369.1 rather than the primary account 369 as set forth in the Commission's formula is more accurate in that it creates a better balance within the maintenance component which is based on the ratio of overhead maintenance expenses to net plant. (See Exhibit A, lines 7 - 15.) Within primary account 369, only maintenance for FPL's subaccount 369.1 is chargeable to overhead

distribution maintenance. The use of subaccount 369.1 (overhead services) in the calculation of the maintenance component of the pole attachment formula does not upset any "balance" within the maintenance component itself or within the Commission's formula as a whole. FPL divides primary account 369 into two main categories: Subaccount 369.1 for overhead services and subaccount 369.7 for underground services. All data which is within primary account 369 is summarized in either overhead services, 369.1 or underground services, 369.7. This is consistent with FERC reporting requirements and examples contained in 18 C.F.R. Chapter 1, Part 116, ¶ 369 (4-1-92 Edition). Underground services contained in subaccount 369.7 are not attributable to pole attachments. By including overhead services only and excluding underground services, the denominator of the ratio (i.e., distribution poles, overhead lines, and overhead services) is kept in balance with the numerator which is based on overhead distribution maintenance expenses only. See Affidavit of Rosemary Morley attached hereto as Exhibit C. It is just and reasonable, therefore, to exclude from primary account 369 the cost of underground services which are unrelated to pole attachments.

21. FPL uses only accounts which represent expenses attributable to poles and, therefore, is consistent with the Commission formula and requirements. Cf., Warner Amex Cable Communications, Inc. v. Arkansas Power & Light Co., supra, at

page 4, ¶ 13 (Commission rejected addition of accounts not representing expenses attributable to poles). The Commission, by order and consistent with its Congressional mandate that the Commission procedure for determining the pole attachment rate be simple and expeditious, see 1987 Report & Order, supra, at 4388 citing S. Rep. No. 95-580, 98th Cong. 1st Sess. (1977), has determined that a maximum "just and reasonable" rate is one which can be calculated "by applying the data from publicly available records (the FERC Form M or the FERC Form 1) to the Commission formula." Warner Amex Cable Communications, Inc. v. Arkansas Power & Light Co., supra, at page 4, n.3. This methodology relies on "balancing," because some of the accounts identified by the Commission as representing expenses attributable to poles contain non-cable related expenses and other accounts which may contain a tiny portion of expenses related to cable attachments are omitted. Id. Where, as in the instant case, there is no attempt to add accounts which might arguably be related in some way to cable attachments and, therefore, distort the ratios within the components of the formula, and where only that part of the primary account which does not to relate to poles is deleted, thereby, enhancing the ratios and achieving a greater degree of accuracy, "balancing" is not an issue. See Warner Amex, Id. at ¶ 13 and n.3. The only issue then is whether the data is available from the FERC Form 1 in order to preserve the reasonable requirement of efficiency in calculating the rate.

In the instant case, the data is reported in FPL's FERC Form 1. See Exhibit B.

22. In the Arkansas Power & Light Company, case, supra, mistakenly relied on by Complainants, the Power Company not only did not report subaccount 369.1 in its FERC Form I, but also had attempted to change the numerator in maintenance component from the authorized account 593 to accounts 590-598. It is this change in the primary account in the numerator and not the use of the subaccount 369.1 that the Commission found would result in an "imbalance." The Commission specifically disallowed use of accounts 590-2 and 594-8 as not conforming to the standard of using only accounts which represent expenses attributable to poles. See Warner Amex Cable Communications Inc. v. Arkansas Power & Light Company, supra, page 4, ¶'s 13 and n.3. Subaccount 369.1 does represent expenses attributed to poles. Similarly in Booth American Company v. Duke Power Company, PA-82-0068, released March 22, 1984, review denied, September 20, 1984, dismissed after remand, March 18, 1991, the Commission specifically held that "we decline to apportion account 593 (and therefore delete account 369) or add account 590." (Exhibit F, page 4, ¶ 11, attached hereto.) The Commission in explaining this holding stated that "since we are including all of account 593, including the services portion, in the numerator, we must also include the corresponding services investment, account 369, in the denominator." (Emphasis added.) Supra at page 5. In

Liberty T.V. Cable, Inc. v. Southwestern Bell Telephone Company, Mimeo No. 6625, released September 22, 1983, the telephone company attempted to add various factors and account 612 in the maintenance component. (Exhibit G, page 4, ¶ 5, attached hereto.) Unlike these cases, FPL makes no attempt to add expenses chargeable to cable operators. In none of the cases cited above, did the Commission state that use of the primary account 593 which is based on overhead distribution expenses only in the numerator and use of subaccount 369.1 which is overhead services, and accounts 364 (poles) and 365 (overhead conductors and devices) in the denominator, upset any "balance." The Commission, instead, agreed that use of subaccount 369.1 in the denominator and use of the primary account 593 in the numerator resulted in a greater accuracy. The Commission, therefore, implicitly recognized and acknowledged that the ratio and corresponding balance was improved within the maintenance component by use of subaccount 369.1 rather than primary account 369. See Warner Amex Cable Communication Inc. v. Arkansas Power & Light Company, supra, at page 4. See also Liberty TV Cable Company v. Southwestern Bell Telephone Co., Mimeo 6625, supra, at page 4, ¶ 5 (recognizing that refinements of carrying charges are always possible when refinements result in greater accuracy and rejecting addition of account 612 by telephone company as requiring offsetting refinements to achieve accuracy, in that, account 612 bore only minimal relationship, if any to, CATV

pole attachments).

Where subaccount 369.1 is reported in the FERC Form 1 as a subaccount of the primary account identified in the Commission formula relating to expenses attributable to poles, and because subaccount 369.1 includes all components of overhead services and excludes all component unrelated to overhead services (i.e., underground services), and where the cable television company has alleged that it attaches only to poles and does not share underground duct with the utility, use of subaccount 369.1 is just and reasonable under 47 C.F.R. § 1.1409(c).

D. Use Of Subaccount 369.1 Is Consistent With Commission Rules And Requirements.

23. Complainants' position that FPL may not use subaccount 369.1 even though its use results in a more accurate rate and even though it is reported in FPL's FERC Form 1 and is a matter of public record is contrary to Congressional and Commission mandates. The pole attachment rate is to be as closely related to actual costs to the utility (i.e., as accurate) as is reasonable. See Commission's Docket No. 86-212 Memorandum Opinion and Order On Reconsideration, 4 FCC Rcd. 468 (1989). The Commission is to use cost and expense items attributable to the utility pole plant that are already established and reported to various regulatory bodies. 1987 Report and Order, at 4388 supra.

24. Commission rule 47 C.F.R. § 1.1410(c) does not

attachment rate when the subaccount is reported in the FERC Form 1. Section 1.1410(c) provides that "a rate is just and reasonable if it assures a utility the recovery of not less than the additional costs of providing pole attachments, nor more than an amount determined by multiplying the percentage of the total usable space, or the percentage of the total duct or conduit capacity, which is occupied by the pole attachment by the sum of the operating expenses and actual capital costs to the utility attributable to the entire pole, duct, conduit, or right-of-way." See also 47 U.S.C. § 224(d).

25. Rule § 1.1410(c), supra, provides for use of cost attributable to the "entire pole, duct, conduit, or right-of-way. (Emphasis added.) The rule provides for the alternative "or." It does not use the inclusive "and." Under rules of ordinary construction the plain meaning of this rule is that the operating expenses attributable to attachment to the entire pole or to duct or to conduit or to right-of-way, whichever the cable television services are attached to, is just and reasonable in calculating the rate. Where Complainant has alleged only that it is attached to poles and where the subaccount 369.1 account is reported in FERC Form 1 and where the reporting of subaccount in the FERC Form 1 is the result of state regulation approving certain procedures for accounting for differences in overhead and underground property units, the use of the subaccount 369.1 and the exclusion of underground services costs in the Commission's

formula for the cable television attachment rate, is reasonable and consistent with the Commission rules. The Commission's opinions are consistent with a finding that use of subaccount 369.1, when filed as part of the utility's FERC Form 1, is permissible under the rule because it will produce a more accurate rate, a rate more nearly approaching the statutory maximum, and will not cause any undue delay in calculating the rate. See, e.g., Alabama Power Company v. Federal Communications Commission, 773 F.2d 362 (D.C. Cir. 1985); Commission's Docket No. 86-212 Memorandum Opinion and Order On Reconsideration; supra, (§ 3); Warner Amex Cable Communications, Inc. v. Arkansas Power & Light Co., supra, Liberty T.V. Cable, Inc. v. Southwestern Bell Telephone Company, supra.

26. The Commission's formula may not be arbitrarily applied. See, e.g., Alabama Power Company v. Federal Communications Commission, supra. Consistent with achieving a just and reasonable rate, the Commission allows for "rebuttable presumptions" in calculating pole attachment rates and for refinements to enhance accuracy. See, e.g., Memorandum Opinion and Order On Reconsideration (1989), supra, at pages 469 and 470, ¶'s 9, 16; 47 C.F.R. § 1.1407(a); Liberty T.V. Cable, Inc. v. Southwestern Bell Telephone Company, supra.

The only issue raised by the Complainant is whether FPL may use subaccount 369.1 in the calculation of its pole attachment rate where FPL has reported that subaccount in

its FERC Form 1, the subaccount 369.1 was used as a result of state regulation allowing for the differences in property units and life characteristics of overhead and underground services, and such use results in an admittedly more accurate rate. To deny FPL the use of subaccount 369.1 in the instant case, would be to question the judgment of the Florida Public Service Commission in recognizing the differences between overhead and underground services, to question FERC reporting requirements and FPL's filed FERC Form 1 and to arbitrarily sanction an inaccurate rate which does not approach the maximum level within the just and reasonable range.

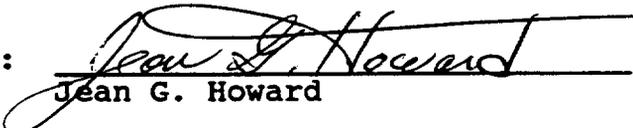
**CONCLUSION**

Respondent, Florida Power & Light Company respectfully requests that the Commission find FPL's pole attachment rate of \$6.04 is just and reasonable under 47 C.F.R. § 1.1410(c).

Respectfully submitted,

FLORIDA POWER & LIGHT COMPANY

By:

  
Jean G. Howard

FLORIDA POWER & LIGHT COMPANY  
9250 West Flagler Street  
Miami, Florida 33174  
(305) 552-3929

September 29, 1992

Its Attorney

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**WASHINGTON, D.C.**

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File No. PA-91-0012

TO: The Common Carrier Bureau

**AFFIDAVIT OF BARRY T. BIRKETT**

STATE OF FLORIDA )  
 ) SS:  
COUNTY OF DADE )

I, Barry T. Birkett, Manager Rate Department, Florida Power & Light Company, on oath do state that I have read the foregoing Response attached hereto; that I am familiar with the matters contained therein and know the

purpose thereof; and that the facts set forth therein are true and correct to the best of my knowledge and belief.

Signature: Barry T. Birkett  
Barry T. Birkett  
Manager Rate Department  
Florida Power & Light Company  
9250 West Flagler Street  
Miami, Florida 33174

Sworn and subscribed before me this

29TH day of SEPTEMBER, 1992

[Signature]  
(Signature of Notary Public - State of Florida)

GRACIELA A. ARIAS  
(Print, Type or Stamp Commissioned Name  
of Notary Public)

Personally Known  OR Produced Identification   
Type of Identification Produced \_\_\_\_\_

(Notary Seal)

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. NOV. 20, 1995  
BONDED THRU GENERAL INS. UND.

COMMISSION NO. CC162412

RESPONSE OF FLORIDA POWER & LIGHT COMPANY

EXHIBIT A

FPL'S RATE FOR CATV ATTACHMENTS

Determining the Maximum Lawful Rate for CATV Attachments

1. NET INVESTMENT IN POLES. Net investment in poles may be expressed as the difference of gross pole investment minus pole depreciation reserve minus 15 percent of the investment reflecting that part of the gross plant attributable to crossarms and other intems of investment not pole related

Gross Pole Investment (account #364)	L1 =	\$	362,124,000
Pole Investment Depreciation Reserve	L2 =	\$	137,011,000
L1 - L2	L3 =	\$	225,113,000
L3 x .85	L4 =	\$	191,346,050

2. NET INVESTMENT IN AVERAGE POLE. The net investment per pole may be expressed as the quotient of net investment in poles divided by the number of poles from which net investment in calculated.

Number of Poles	L5 =		879,416
L4/L5	L6 =		217.58

3. CARRYING CHARGE. The carrying charge consists of maintenance expense, depreciation, administrative expense, taxes, and cost of capital.

a. MAINTENANCE EXPENSE. The maintenance expense for poles may be expressed as a percent of net investment by dividing the annual pole, conductor, and overhead service expenses by the net investment in poles, overhead conductors, and overhead services.

Pole and Conductor Maintenance Expense	L7 =	\$	66,188,732
Overhead Conductor Investment	L8 =	\$	573,977,000

EXHIBIT A