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August 16, 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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**BY HAND DELIVERY**

The Honorable Joseph Chachkin  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W.  
Room 226  
Washington, DC 20554

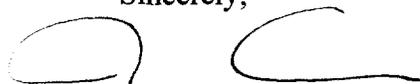
Re: UACC Midwest, Inc. d/b/a United Artists Cable Mississippi  
Gulf Coast; Telecable Associates, Incorporated; Vicksburg Video;  
Mississippi Cablevision, Inc.; and Mississippi Cable Television  
Association v. South Central Bell Telephone Company  
PA 91-0005 through PA 91-0009

Dear Judge Chachkin:

The parties have been able to reach a settlement of the entire case.

I am therefore filing a Motion for Entry of Stipulated Order; and a Motion to Defer Briefing and Pre-Hearing Dates.

Sincerely,



Paul Glist

Enclosure(s)

31519.1

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

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
)  
UACC Midwest, Inc. d/b/a United Artists )  
Cable Mississippi Gulf Coast; )  
)  
Telecable Associates, Incorporated; )  
)  
Vicksburg Video; )  
)  
Mississippi Cablevision, Inc.; and )  
)  
Mississippi Cable Television Association, )  
)  
Complainants )  
)  
v. )  
)  
South Central Bell Telephone Company, )  
)  
Respondent )  
)

CC DOCKET NO. 95-94

DOCKET FILE COPY ORIGINAL

PA 91-0005 through  
PA 91-0009

TO: Hon. Joseph Chachkin  
Administrative Law Judge

**MOTION FOR ENTRY OF STIPULATED ORDER**

The parties have entered into the attached Settlement Agreement and jointly

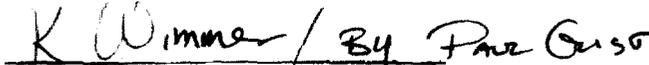
request entry of an order accepting settlement as final resolution of all matters in this case.

Respectfully submitted,  
UACC Midwest, Inc. d/b/a United Artists  
Cable Mississippi Gulf Coast  
Telecable Associates, Incorporated  
Mississippi Cablevision, Inc.  
Mississippi Cable Television Association

By:   
Paul Glist  
COLE, RAYWID & BRAVERMAN  
1919 Pennsylvania Avenue, N.W.  
Suite 200  
Washington, D.C. 20006

Its Attorney

Vicksburg Video

By:  / By   
Kurt A. Wimmer  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20044

Its Attorney

Bell South Telecommunications, Inc., formerly  
d/b/a South Central Bell Telephone Company

By:   
Theodore R. Kingsley  
South Central Bell Telephone Co.  
Suite 4300  
675 West Peachtree Street, N.E.  
Atlanta, GA 30375

Its Attorney

August 16, 1995

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

<b>In the Matter of</b>	)	<b>CC DOCKET NO. 95-94</b>
	)	
<b>UACC Midwest, Inc. d/b/a United Artists Cable Mississippi Gulf Coast;</b>	)	
	)	
<b>Telecable Associates, Incorporated;</b>	)	
	)	
<b>Vicksburg Video;</b>	)	<b>PA 91-0005 through</b>
	)	<b>PA 91-0009</b>
<b>Mississippi Cablevision, Inc.; and</b>	)	
	)	
<b>Mississippi Cable Television Association,</b>	)	
	)	
<b>Complainants</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>South Central Bell Telephone Company,</b>	)	
	)	
<b>Respondent</b>	)	
	)	

**TO: Hon. Joseph Chachkin  
Administrative Law Judge**

**SETTLEMENT AGREEMENT**

This settlement agreement is made and entered into as of July 1, 1995, by and between UACC Midwest, Inc. d/b/a United Artists Cable Mississippi Gulf Coast; Telecable Associates, Incorporated; Vicksburg Video; Mississippi Cablevision, Inc.; and Mississippi Cable Television Association, (collectively, "Complainants") and South Central Bell Telephone Company who are parties to the Pole Attachment Complaint now pending before the Federal Communications Commission ("FCC") as CC Docket No. 95-94, PA 91-0005

through PA 91-0009.

In consideration of the mutual covenants contained herein, and other good and valuable consideration, the parties agree as follows:

1. Complainants execute this agreement for themselves, their successors, assignees and anyone or any entity claiming through them for Complainants' claims asserted in this case. This agreement does not affect present or future claims by Complainants, their predecessors, successors, assignees, subsidiaries or affiliates which concern matters other than South Central Bell Telephone Company pole attachment rates for 1991 through 1995.

2. South Central Bell Telephone Company executes this agreement for itself, its successors, assignees, and anyone or any entity claiming through it.

3. This agreement does not affect the present or future participation of any of the parties hereto in rulemaking or other similar non-complaint proceedings related to pole attachment rates.

4. In full and final settlement of Complainants' claims concerning South Central Bell Telephone Company pole attachment rates at issue in this case, the parties agree as follows:

- a. The rate of \$ 4.63 will be applied from 10/2/91 to 12/31/92; \$ 4.57 for 1993; \$ 4.60 for 1994; and \$4.69 for 1995.
- b. Each of the complainants' respective Licensing Agreement for Pole Attachments (the "License Agreements") shall be deemed amended without the necessity of (1) signing any further amendments to such agreement or (2) any written notices.

- c. SCB agrees to credit to Complainants \$140,744.26, allocated as shown on Schedule 1, within thirty (30) days after an order approving this settlement.
  - d. Within thirty (30) days after an order approving this settlement, the parties shall file with the Commission a joint motion to vacate the HDO.
5. Neither Complainants nor SCB will file any pole attachment complaint with the FCC with respect to the pole attachment rates agreed upon above.
  6. The parties agree that this agreement is a compromise settlement of disputed claims and that this agreement will not be construed as an admission of liability by either party. This agreement shall not provide third parties with any remedy, claim, liability or other right.
  7. This agreement contains the entire agreement between the parties with respect to the matters described herein, and all prior agreements, oral or written presentations, statements, understanding, proposals, and undertakings with respect to such matters are superseded and replaced by the provisions of this agreement. This agreement cannot be modified or terminated except by a written document executed by all parties hereto.
  8. This agreement may be executed in counterparts.

IN WITNESS THEREOF, the parties hereby execute this agreement effective as of the date first written above.

Respectfully submitted,  
UACC Midwest, Inc. d/b/a United Artists  
Cable Mississippi Gulf Coast  
Telecable Associates, Incorporated  
Mississippi Cablevision, Inc.  
Mississippi Cable Television Association

By:



Paul Glist  
COLE, RAYWID & BRAVERMAN  
1919 Pennsylvania Avenue, N.W.  
Suite 200  
Washington, D.C. 20006  
Its Attorney

Vicksburg Video

By:

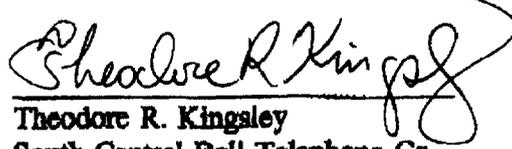
K Wimmer / BY PAUL GLIST

Kurt A. Wimmer  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20044

Its Attorney

Bell South Telecommunications, Inc., formerly  
d/b/a South Central Bell Telephone Company

By:



Theodore R. Kingsley  
South Central Bell Telephone Co.  
Suite 4300  
675 West Peachtree Street, N.E.  
Atlanta, GA 30375

Its Attorney

August 16, 1995

**SCHEDULE 1**

**SOUTH CENTRAL BELL**

United Artists Cable Mississippi Gulf Coast	\$ 10,630.97 <sup>1</sup>
Telecable Associates, Incorporated	\$ 7,478.51 <sup>1</sup>
	<u>\$ 5,508.58</u> Withheld
	\$ 1,969.93
Mississippi Cablevision, Inc.	\$ 27,241.23 <sup>1</sup>
Mississippi Cable Television Association	
Picayune Cablevision, Inc.	\$ 6,572.85
Post-Newsweek Cable, Inc.	\$ 9,144.42
Sammons Communications, Inc.	\$ 29,270.50
Susquehanna Cable Company	\$ 6,725.60
American Television & Communicaitons Corp.	<u>\$ 39,557.98</u>
	\$ 91,271.35 <sup>1</sup>
Vicksburg Video	<u>\$ 9,630.78</u> <sup>1</sup>
	\$140,744.26

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<sup>1</sup>Any payments for 1995 will be adjusted to the stipulated rate.

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**CERTIFICATE OF SERVICE**

I, Julie P. Gordy, a legal secretary with the law firm of Cole, Raywid & Braverman, L.L.P. do hereby certify that a copy of the foregoing was sent via first-class, postage pre-paid, United States mail, this 16th day of August, 1995, to the following:

Hon. Joseph Chachkin\*  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street N.W. Room 226  
Washington, D.C. 20554

John C. Hays\*  
John V. Giusti\*  
Federal Communications Commission  
2000 L Street N.W.  
Washington, D.C. 20554

Theodore R. Kingsley  
M. Robert Sutherland  
Bell South Telecommunications, Inc.  
formerly d/b/a South Central Bell Telephone Company  
Suite 4300  
675 West Peachtree Street, N.E.  
Atlanta, GA 30375

Kurt A. Wimmer  
Covington & Burling  
1201 Pennsylvania Aveu, N.W.  
Washington, D.C. 20044-7566

  
Julie P. Gordy

\*Via Hand Delivery

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

<b>In the Matter of</b>	)	<b>CC DOCKET NO. 95-94</b>
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<b>UACC Midwest, Inc. d/b/a United Artists</b>	)	
<b>Cable Mississippi Gulf Coast;</b>	)	
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<b>Vicksburg Video;</b>	)	<b>PA 91-0005 through</b>
	)	<b>PA 91-0009</b>
<b>Mississippi Cablevision, Inc.; and</b>	)	
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<b>Mississippi Cable Television Association,</b>	)	
	)	
<b>Complainants</b>	)	
	)	
v.	)	
	)	
<b>South Central Bell Telephone Company,</b>	)	
	)	
<b>Respondent</b>	)	
	)	

**TO: Hon. Joseph Chachkin**  
**Administrative Law Judge**

**MOTION TO DEFER BRIEFING AND PRE-HEARING DATES**

The HDO and the Judge's Order of June 23, 1995, established specific procedures for the filing and exchange of information in this case, in order to simplify the process and to promote settlement. The parties have pursued that process and have reached settlement, the terms of which are now pending before the Bureau and the judge.

Complainants hereby request that the briefing and pre-hearing date be deferred pending entry

of an Order based upon the settlement.

Respectfully submitted,  
UACC Midwest, Inc. d/b/a United Artists  
Cable Mississippi Gulf Coast  
Telecable Associates, Incorporated  
Mississippi Cablevision, Inc.  
Mississippi Cable Television Association

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Its Attorney

Vicksburg Video

By: K Wimmer / By Paul Glist  
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1201 Pennsylvania Avenue, N.W.  
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August 16, 1995

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**CERTIFICATE OF SERVICE**

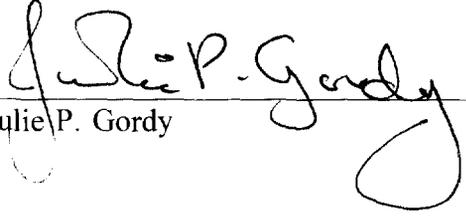
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\_\_\_\_\_  
Julie P. Gordy

\*Via Hand Delivery