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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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

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

CC Docket No. 95-94

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PA 91-0005 through
PA 91-0009

To: The Honorable Joseph Chachkin, Administrative Law Judge

**COMMON CARRIER BUREAU COMMENTS ON
MOTION FOR ENTRY OF STIPULATED ORDER**

1. On August 16, 1995, the Complainants and Respondent in this case jointly filed a "Motion for Entry of Stipulated Order" ("Joint Motion"). The Chief, Common Carrier Bureau, through her attorneys, submits the following comments.
2. In the Joint Motion, the Complainants and Respondent represent that they have reached a settlement on all issues in this case. The Joint Motion is accompanied by a

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settlement agreement. Specifically, the parties agree to a rate of \$4.63 for the period from 10/2/91 to 12/31/92, \$4.57 for 1993, \$4.60 for 1994, and \$4.69 for 1995. Respondent also agrees to credit to Complainants \$140,744.26, allocated according to Schedule 1 of the settlement agreement, within 30 days after an order approving this settlement is issued. The parties agree to file a joint motion with the Commission to vacate the hearing designation order (HDO) in this proceeding within thirty days after an order approving this settlement is issued. The parties agree that the agreement is a compromise settlement of disputed claims, and is not to be construed as an admission of liability by either party. The parties further agree not to file any pole attachment complaint with the Commission with respect to the agreed upon rates, but also stipulate that this agreement does not affect their participation in any rulemaking or similar non-complaint proceedings related to pole attachment rates.

3. The Chief, Common Carrier Bureau, through her attorneys, supports the Joint Motion. After careful consideration of the Joint Motion and attached settlement agreement, we are satisfied that there are no longer issues in controversy, that the rates are just and reasonable, and that acceptance of the parties' settlement agreement is in the public interest. Moreover, the Commission encourages negotiations and mutually agreeable settlements in complaint cases, inasmuch as eliminating the need for further litigation and the expenditure of time and resources of the Commission is in the public interest. See, e.g., Logview Cable TV Company, Inc., et al. v. Southwestern Electric Power Company, 5 FCC Rcd 686 (1990); Warner Amex Cable Communications, Inc. v. Southwestern Electric Power Company, 5 FCC Rcd 578 (1990).

4. Accordingly, we believe that your Honor should grant the Joint Motion; approve the

settlement agreement; and dismiss with prejudice the Complaints of UACC Midwest, d/b/a United Artists Cable Mississippi Gulf Coast, Telecable Associates, Incorporated, Vicksburg Video, Inc., Mississippi Cablevision, Inc., and Mississippi Cable Television Association.

5. At this time, the Common Carrier Bureau(Bureau) takes no position regarding the motion to vacate the HDO that the parties will jointly file within thirty days of an order approving the settlement. The Commission, and the Bureau acting under delegated authority, have vacated orders for good cause shown, when parties have reached settlement in a dispute. See, e.g., GTE Telenet Communications Corp. v. American Tel. & Tel. Co., File No. E-81-32, Mimeo No. 4755, released May 29, 1986 (Com.Car.Bur.), vacated as a condition of settlement where order dealt with rates no longer in effect, Mimeo No. 5670, released July 10, 1986, part. recon. denied, 1 FCCRcd 367 (Com.Car.Bur.) In this proceeding, a motion to vacate the HDO must be considered on its own merits, when it comes before the Commission.

Respectfully submitted,

Kathleen M.H. Wallman
Chief, Common Carrier Bureau

August 21, 1995

By:


John C. K. Hays, Esq.
John V. Giusti, Esq.

Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554

CERTIFICATE OF SERVICE

I, Ernestine Creech, hereby certify that I have, this 21st day of August, 1995, served a copy of the foregoing Notice of Appearance by First Class mail, postage prepaid, except as otherwise noted, on the following parties:

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Administrative Law Judge
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Mississippi Cable Television Association
c/o Post Newsweek Cable of Gulfport
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Attention: Ray Clemons

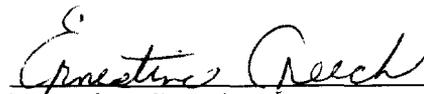
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* By hand delivery