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June 20, 1996

FEDERAL COMMUNICATIONS COMMISSION  
ATTORNEY GENERAL

DOCKET FILE COPY ORIGINAL

EX PARTE

\*ADMITTED IN VIRGINIA ONLY  
\*ADMITTED IN MARYLAND ONLY

William F. Caton, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, DC 20554

Re: Ex Parte Presentation on Pole Attachment Issues in CC Docket No. 96-98

Dear Mr. Caton:

Pursuant to Section 1.1206(a)(1), of the Commission's Rules, 47 C.F.R. § 1.1206(a)(1), Cole, Raywid & Braverman, L.L.P. on behalf of Continental Cablevision, Inc., Jones Intercable, Inc., Century Communications Corp., Charter Communications Group, Prime Cable, InterMedia Partners, TCA Cable TV, Inc., Greater Media, Inc., Cable TV Association of Georgia, Cable Television Association of Maryland, Delaware & the District of Columbia, Inc., Montana Cable TV Association, South Carolina Cable Television Association, Texas Cable & Telecommunications Association hereby submits an original and one copy of this letter regarding a recent development in a certified state likely reflecting a national trend that may affect the Commission's resolution of the issues in the above-referenced docket.

Attachment 1 to this letter is a new pole attachment tariff that Ameritech Michigan filed with the Michigan Public Service Commission ("MPSC") on May 31, 1996 that has just become public. Michigan has certified that it possesses jurisdiction to regulate pole attachments. The tariff contains numerous illegal provisions directly contravening Section 224.

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William F. Caton, Secretary  
June 20, 1996  
Page -2-

The tariff purports to (1) reserve all Ameritech poles and conduits for Ameritech's exclusive use;<sup>1</sup> and (2) evict an attaching party, or force that party to pay for pole replacement or conduit rearrangement if Ameritech needs the space for its own purposes, generally,<sup>2</sup> or for the unspecified "emergency needs of the Company."<sup>3</sup>

Moreover, and in a deliberate attempt to hoard conduit capacity and exclude competition in urban and suburban markets, Ameritech's tariff also attempts to prohibit attaching parties from using innerduct,<sup>4</sup> by far the most efficient method of maximizing available conduit/duct capacity. There is no conceivably legitimate purpose for such a restriction. The prohibition on innerduct, plus Ameritech's efforts to reserve all pole and conduit capacity for its exclusive use, are *exactly* the types of anticompetitive conduct that the 1996 amendments to Section 224 were designed to extinguish. They also are endemic to the core objectives of the 1996 Act.

Section 224(f)(1) states that "[a] utility shall provide a cable television system or any telecommunications carrier with non-discriminatory access to any pole, duct, conduit or right-of-way owned or controlled by it." 47 U.S.C. § 224(f)(1). While Section 224 gives *electric* utilities some narrowly circumscribed ability to deny pole access, 47 U.S.C. § 224(f)(2), no such ability to deny attachment is extended to LEC pole owners, and, in any case, Ameritech has made no effort to tie access determinations to safety or engineering concerns. Sections F.3 and G.3 of Ameritech's Michigan pole tariff, moreover, violate Section 224(i) which prohibits a utility from charging a pole licensee for changeouts or rearrangements necessitated by the pole owner's service needs. With this and other provisions, Ameritech seeks only to exclude competitors from essential pole and conduit facilities.

The Joint Cable Commenters have shown that Congress intended the pole and conduit access standards to apply to certified and non-certified states alike in order to effect the pro-competitive purposes of the 1996 Act in all 50 states; there was no intent to carve out certified states from the pole access obligations. *See, e.g.,* Initial Comments of Continental

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<sup>1</sup>Michigan Bell Telephone Company Tariff M.P.S.C. No. 20R, Part 2 §§ 6. F.1 and G.1.

<sup>2</sup>*Id.* §§ F.3 and G.3.

<sup>3</sup>*Id.* §§ F.8 and G.4. The Ameritech Michigan pole tariff applies identical constraints on access to trench systems. *Id.* §§ H.1 - H.4.

<sup>4</sup>*Id.* § G.2.

William F. Caton, Secretary

June 20, 1996

Page -3-

Cablevision, Inc., *et al.* at 20-21; Reply Comments of Continental Cablevision, *et al.* at 26-27. The utilities, however, advocate a world in which "non-discriminatory" applies neither to them nor their affiliates, *see, e.g.*, Initial Comments of Ameritech Initial Comments at 34-35; American Electric Power Serv. Corp., *et al.* at 12; UTC/Edison Electric Institute ("EEI") at 6-7; Reply comments of Bell Atlantic at 15, and any Section 224 access standards that may exist apply only in non-certified states. *See, e.g.*, Initial Comments of Ameritech at 33; Reply Comments of UTC/EEI at 29-30.

Ameritech's Michigan pole tariff is a test of this Commission's resolve to enforce the 1996 Act's non-discriminatory pole and conduit access provisions. If the access standards of Section 224 are not equally applicable to certified states, a cratered and forbidding regulatory landscape will emerge. The features of this landscape will be level terrain in all non-certified states where there will exist uniform interconnection standards for all network elements, *including* poles and conduits. But in certified states the ground will be treacherous and unpredictable. There, network interconnection standards will be defeated through anticompetitive pole and conduit restraints.

The Commission can remedy this situation quite simply by applying its access rules nationally and by informing states that have certified that they regulate pole attachments to file a supplemental certification that they have adopted, and will follow, the national access standards set forth in Section 224 and/or adopted in this proceeding. This Commission could also serve as the forum for enforcement of its non-discriminatory access standards. This approach will ensure uniformity of access standards for *all* network elements, including poles, conduits and rights of way in *all* states and prevent copycat abuses replicating Ameritech's new Michigan pole tariff that surely will follow absent decisive Commission action in this docket.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Glist', with a stylized flourish at the end.

Paul Glist

William F. Caton, Secretary  
June 20, 1996  
Page -4-

Attachment

cc: Michael McMenamin  
JoAnn Lucanik  
Tom Power  
Elizabeth Beatty  
Paul Glenchner

DOCKET FILE COPY ORIGINAL

**ATTACHMENT 1**



Regulatory Relations  
444 Michigan  
Detroit, MI 48226  
Office: 313.496-0702

Robert B. Reynolds  
Director

May 31, 1996

Mr. William J. Celio  
Director-Communications Division  
Michigan Public Service Commission  
6545 Mercantile Way  
P.O. Box 30221  
Lansing, MI 48909

DOCKET FILE COPY ORIGINAL

Advice No. 2488

Dear Mr. Celio:

The attached four (4) sets of tariff sheets are sent to you for issuance and filing, as authorized by:

PA 179 as amended by 1995 PA 216  
Tariff M.P.S.C. No. 20R  
Number of Sheets  
41

The attached tariff sheets are being issued to revise the rates, terms and conditions for attachments to poles, conduit and ducts under the Michigan Telecommunications Act 1991 PA 179 as amended by 1995 PA 216.

Also included is a Word for Windows Version 6.0 diskette file copy of the tariff sheets.

As an acknowledgment that this filing has been received, we request the return of the COPY letter and one set of the attached sheets, stamped by the Commission, to me at 444 Michigan Avenue, Room 1530, Detroit, Michigan 48226.

Sincerely,

Attachments





Tariff

PART 1 - Preface  
SECTION 2 - Table of Contents

8th Revised Sheet No. 6  
Cancels  
7th Revised Sheet No. 6

## CHECK LIST

### A. Check List - General

#### PART 2 (Cont'd)

##### Section 5

<u>Sheet No.</u>	<u>Revision</u>	<u>Sheet No.</u>	<u>Revision</u>
1	Original	5	Original
2	Original	6	Original
3	Original	7	Original
4	Original		

##### Section 6

<u>Sheet No.</u>	<u>Revision</u>	<u>Sheet No.</u>	<u>Revision</u>	<u>Sheet No.</u>	<u>Revision</u>
1	*1st	10	*1st	18.1	*Original
2	*1st	11	*1st	19	*1st
3	*1st	12	*1st	20	*1st
4	*1st	12.1	*Original	21	*1st
4.1	*Original	13	*1st	22	*1st
5	*1st	14	*1st	23	*1st
6	*1st	15	*1st	24	*1st
7	*1st	16	*1st	25	*1st
8	*1st	17	*1st		
9	*1st	18	*1st		

##### Section 7

<u>Sheet No.</u>	<u>Revision</u>
1	Original
2	Original

##### Section 8

<u>Sheet No.</u>	<u>Revision</u>	<u>Sheet No.</u>	<u>Revision</u>
1	Original	7	Original
2	Original		
3	Original		
4	1st		
5	1st		
6	*2nd		

##### Section 9

<u>Sheet No.</u>	<u>Revision</u>
1	Original

Tariff

1st Revised Sheet No. 1  
Cancels  
Original Sheet No. 1

PART 2 - General Terms and Conditions  
SECTION 1 - Definitions and Abbreviations

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**DEFINITIONS**

Access

The provision of access to a local exchange network for the purpose of enabling a provider to originate or terminate telecommunications service within the exchange.

Access Line

The medium over which a telecommunication user connects into the local exchange.

Anchor and Down Guy

An Anchor is a device placed in the ground to which the Down Guy is attached for support of the pole, strand and cable being placed. A Down Guy is the strand placed between the pole and the anchor.

Attaching Party

A telecommunications provider or a provider of cable service authorized by the Company to make attachments to poles or in a conduit or trench system of the Company.

(C)  
|  
(C)

Attachment(s)

Any wire, cable, facility, or other apparatus installed upon any pole or in any duct or conduit of the Company.

(C)  
|  
(C)

Base Rate

The monthly rate applicable for a specific grade and class of local exchange telecommunications service located within a base rate area.

Base Rate Area

That portion of an exchange or zone within which local exchange telecommunications services are provided at base rates. A base rate area generally encompasses development which is urban in density and character.

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Issued under authority of 1991 PA179 as amended by 1995 PA216

Issued: May 31, 1996

Effective: January 1, 1996

By Gail F. Torreano, Vice President - State and Federal Government  
Detroit, Michigan

Tariff

PART 2 - General Terms and Conditions  
SECTION 1 - Definitions and Abbreviations

1st Revised Sheet No. 3  
Cancels  
Original Sheet No. 3

DEFINITIONS

Conduit System

Any combination of reinforced passage or opening in, on, under or through the ground or a structure capable of containing communications facilities, including main conduit; innerduct; underground dips and short sections of conduit under roadways, driveways, parking lots and similar conduit installations; laterals to poles and into buildings; ducts; and manholes not including controlled environmental vaults or cable vaults in buildings owned or controlled by the Company. (C) (N) (N)

Conduit Occupancy

Occupancy of a conduit system by any item of attaching party's facilities. (C)

Contract

The service agreement between a customer and the Company under which facilities for communication between specified locations, for designated periods, and for the use of the customer and the authorized users specifically named in the contract are furnished in accordance with the provisions of the applicable Tariffs.

Customer

The person, firm, or corporation who contracts with the Company and is responsible for payment of charges and the compliance with the rules and regulations of the Company.

Customer Premises

One building or portion of a building occupied by a customer either in the conduct of his business or as a residence. All offices occupied by a customer on the same or separate floor of one building or different buildings on the same continuous property are considered as part of the customer premises.

When regular exchange service or Centrex service is furnished in a communal type dwelling such as a dormitory, hotel boarding house or apartment, the term "Customer's Premises" refers to the room, apartment or suite of rooms occupied by the user. Under the same conditions, "Customer's Premises" for the management of such a dwelling would include all the other space not occupied by a tenant, e.g., halls, administrative offices, etc.

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By Gail F. Torreano, Vice President - State and Federal Government  
Detroit, Michigan

Tariff

PART 2 - General Terms and Conditions  
SECTION 1 - Definitions and Abbreviations

1st Revised Sheet No. -  
Cancels  
Original Sheet No. 4

DEFINITIONS

Dial Type Communications

A call that is dialed and completed by the customer without the assistance of a Company operator. The services of a Company operator will not be used for completion of a call, or in furnishing any information or assistance relating to billing or charges for such a call, except that a Company operator will:

- re-establish a call which has been interrupted after the called number has been reached.
- reach a called telephone number where facilities are not available for customer dial completion.
- reach a called telephone number for a handicapped customer who has registered with the Company for Dial "O" Service.
- reach a called number in cases of emergency involving safety of life or property.

Directory Assistance Listing

When the customer's post office address name is different than the community indicated by the customer's telephone directory, a straight line type listing will be provided in the appropriate directory assistance record covering his postal address without additional charges.

Directory Assistance Service

Explanation of terms and charges are specified by the company providing the exchange service lines or trunks serving the customer.

District Exchange

An exchange which is divided into specific areas (zones), each with characteristics similar to an exchange for specifying local calling areas, base rate areas, interzone calling and interexchange calling for rate purposes.

Duct / Innerduct

(C)

A single enclosed raceway for conductors or cables.

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By Gail F. Torreano, Vice President - State and Federal Government  
Detroit, Michigan

Tariff

PART 2 - General Terms and Conditions  
SECTION 1 - Definitions and Abbreviations

1st Revised Sheet No. 7  
Cancels  
Original Sheet No. 7

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DEFINITIONS

Local Access and Transport Area (LATA)

A geographic area established by a Telecommunications Operating Company for the provision and administration of exchange telecommunications service. It encompasses designated exchanges, which are grouped to serve common social, economic and other purposes.

Local Calling Area

A geographic area encompassing the home local exchange or zone itself, and may also include other nearby exchanges or zones, as specified in Part 4, Section 1 of this Tariff, for which a local message charge is applicable.

Local Message

A communication between two access lines in the same exchange or zone; or from an access line in one exchange or zone to another access line within any other exchange or zone within its local calling area.

Locality Rate

The monthly rate applicable for a specific grade and class of local exchange telecommunications service located within a specified area. Locality rates for individual access line and two party services are comprised of the base rate for the particular service plus an additional monthly charge, generally referred to as a loading charge.

Locality Rate Area

The specified portion of an exchange or zone within which local exchange telecommunications service is provided at locality rates. A locality rate area generally encompasses the area including and adjacent to a small community, separated geographically from the base rate area, in which the development is greater than that of a rural type area but less than that of a base rate area.

/1/

/1/ Material now appears on 2nd Revised Sheet No. 8

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By Gail F. Torreano, Vice President - State and Federal Government  
Detroit, Michigan

Tariff

PART 2 - General Terms and Conditions  
SECTION 1 - Definitions and Abbreviations

2nd Revised Sheet No. 8  
Cancels  
Original Sheet No. 8

DEFINITIONS

Make Ready Survey

All work performed by the Company at the attaching party's expense to field check the Company's facilities to determine their availability to the attaching party and the extent and cost, if any, of Make Ready Work required to accommodate the attaching party. C)/1/  
C) |  
C)/1/

Make Ready Work

All work required by the Company to modify its facilities to accommodate the attachments, performed at the expense of the attaching party. (C)

Manhole

An underground vault with ground level entrance cover designed to provide access for splicing, testing and maintenance of cable facilities.

Measured Rate Service

A grade of exchange service under which a charge is applicable for each local message, in addition to the specified monthly rate for the exchange service; the local message charge may apply only on messages in excess of an established allowance. (Business Services, Call Plan 50, Call Plan 400, Call Plan 400 Extended)

Message Toll Service

The transmission of 2-way interactive switched communication between local calling areas. Toll service does not include individually negotiated contracts for similar telecommunication services or wide area telecommunications services.

Move

The transfer of telephone equipment from one location to another location within the customer's premises.

/2/

/1/ Material formerly appeared on Original Sheet No. 7

/2/ Material now appears on 2nd Revised Sheet No. 9

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By Gail F. Torreano, Vice President - State and Federal Government  
Detroit, Michigan

Tariff

PART 2 - General Terms and Conditions  
SECTION 1 - Definitions and Abbreviations

2nd Revised Sheet No. 9  
Cancels  
1st Revised Sheet No. 9

DEFINITIONS

Network Control Signaling

The transmission of signals used in the telephone system which perform functions such as supervision (control, status and charging signals), address signaling (e.g., dialing), calling and called number identification, audible tone signals (call progress signals indicating re-order or busy conditions, alerting, coin denominations, coin collect and coin return tones) to control the operation of switching machines in the Telecommunications Network.

/1/

/1/

Network Interface

The point of interconnection between Telecommunications Company communications facilities and terminal equipment, protective apparatus or wiring at or near a subscriber's premises. The network interface or demarcation point shall be located on the subscriber's side of the Telecommunications Company's protector, or the equivalent thereof in cases where a protector is not employed, as provided under the local Telecommunications Company's reasonable and nondiscriminatory standard operating practices.

Numbering Plan Areas

Areas into which the State of Michigan is divided for Message Toll Services.

One Party Service

An individual local exchange access line which provides Local Exchange Telecommunications service for only one customer on a central office access line, which may terminate in single line or multiple line telecommunications equipment.

Overtime

Occasional service not contracted for and covering periods immediately preceding or succeeding the period of service under contract.

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/1/ Material formerly appeared on 1st Revised Sheet No. 8

/2/ Material now appears on 1st Revised Sheet No. 10

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Detroit, Michigan

Tariff

1st Revised Sheet No. 10

Cancels

Original Sheet No. 10

PART 2 - General Terms and Conditions  
SECTION 1 - Definitions and Abbreviations

DEFINITIONS

Payphone Extended Local Calling

/1/

A communication where the called telephone number is outside the local calling area and within twenty miles of the calling telephone number and is not a message toll point.

PBX Trunk

An individual local exchange access line which provides Local Exchange Telecommunications service terminated in a private branch exchange system.

Pedestal

An above ground housing, usually constructed of metal, used to enclose a cable splice and/or to provide a service wire connection point.

Pole

A pole owned by the Company, for which the Company has the right to permit others to attach facilities.

/1/

Pole Attachment

Any item of attaching party's facilities affixed to a pole.

(C)

Principal Central Office

The central office in a single office exchange or that office (usually the toll office) of a multi-office exchange which is designated as such for the purpose of measuring local and interexchange channel mileages. In a District Exchange a "Principal Central Office" is designated for each of the Zones.

/2/

/1/ Material formerly appeared on 1st Revised Sheet No. 9

/2/ Material now appears on 1st Revised Sheet No. 11

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Detroit, Michigan

Tariff

PART 2 - General Terms and Conditions  
SECTION 1 - Definitions and Abbreviations

1st Revised Sheet No. 11  
Cancels  
Original Sheet No. 11

DEFINITIONS

Public Utility

Any public utility subject to the regulation and control of the Michigan Public Service Commission that owns or controls, or shares ownership or control of poles, ducts, or conduits used or useful, in whole or in part, for supporting or enclosing wires, cables, or other facilities or apparatus for the transmission of writing, signs, signals, pictures, sounds, or other forms of intelligence, or for the transmission of electricity for light, heat, or power.

/1/

Rate Area

One of the several divisions of the Detroit Zone established for the purpose of applying Tariff rates for various local exchange, toll and interzone telecommunications services.

Rural Zone Area

That portion of an exchange or zone which is not included in a base rate area or locality rate area.

Rural Zone Charge

A monthly charge applicable to specified local exchange telecommunications services located within the rural zone area, which is in addition to the base rate for the grade and class of service provided.

/1/

Same Continuous Property

The term "Same Continuous Property" refers to an uninterrupted plot of land occupied by one customer within the same block. "Same Continuous Property" excludes expressways or right-of-way property of railroad, power and pipe line companies.

Sent Paid

The charges for a call are charged to the originating station, or paid for at a coin box.

/2/

/1/ Material formerly appeared on Original Sheet No. 10  
/2/ Material now appears on 1st Revised Sheet No. 12

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Detroit, Michigan

Tariff

PART 2 - General Terms and Conditions  
SECTION 1 - Definitions and Abbreviations

1st Revised Sheet No. 12  
Cancels  
Original Sheet No. 12

DEFINITIONS

Service Interface

That point of termination at which appropriate conformance testing and/or circuit alignment is performed. The Service Interface is located at the Network Interface or may be extended at the customer's request.

/1/

Service Point

When used in connection with interexchange (interzone) mileage measurements denotes the rate center of the exchange or zone in which the station of the customer is located. Where a station is located outside an exchange or zone area the location of the station is considered to be the rate center for the purpose of this definition.

Serving Central Office

The central office from which a customer or authorized user would normally be served for local exchange telephone service.

Simple Exchange Service

Hereafter referred to as Simple Service is exchange service (residence or business) for which a separate monthly bill is rendered, which service is comprised of only keyless sets and associated auxiliary services; but does not include those associated with PBX (excluding Centrex when all locations are keyless) Key, Data, Public, Semi-public Main Station Service, etc.

/1/

Simple Wide Area Services

Hereafter referred to as Simple Service is Wide Area Services, which service is comprised of only keyless sets and associated auxiliary services; but does not include those associated with PBX (excluding Centrex when all locations are keyless) Key, Data, Public, Semi-public Main Station Service, etc.

/2/

/1/ Material formerly appeared on Original Sheet No. 11  
/2/ Material now appears on Original Sheet No. 12.1

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Detroit, Michigan

Tariff

PART 2 - General Terms and Conditions  
SECTION 1 - Definitions and Abbreviations

Original Sheet No. 12.1

DEFINITIONS

Station-to-Station Calls

The term "Station-to-Station" denotes that service where the person originating the call:

- dials the telephone number desired, or
- gives to the Telecommunications Company operator the telephone number of the desired station, and does not specify a particular person to be reached.

Telecommunications Network

The central offices and associated plant which are utilized to provide Local Exchange Telephone Service and Message Toll Telephone Service.

Time of Day

The time when connection is established is determined in accordance with the time commonly in use at the location of the rate center of the calling station.

Trench System

Any unreinforced passage or opening in, on, under or through the ground, capable of containing communications facilities, which may include any of the following not part of a conduit system: short sections of duct under roadways, driveways, parking lots and similar improved areas; laterals to poles and into buildings.

Two Party Service

An exchange service which provides local exchange telecommunications service for one of a maximum of two customers on the same central office access line.

/1/ Material formerly appeared on Original Sheet No. 12

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By Gail F. Torreano, Vice President - State and Federal Government  
Detroit, Michigan

Tariff

PART 2 - General Terms and Conditions  
SECTION 6 - Pole Attachment and Conduit  
Occupancy Accommodations

1st Revised Sheet No. 1  
Cancels  
Original Sheet No. 1

GENERAL PROVISIONS

A. APPLICATION OF SECTION

1. This Section is applicable to any attachment by another telecommunications provider or another provider of cable service installed upon any pole, or in any duct or conduit of the Michigan Bell Telephone Company. The terms "attachment", "telecommunications provider" and "cable service" shall have the meaning as defined in the Michigan Telecommunications Act, Sections 361(a), 102(cc) and 102(c) respectively. (C)
2. "Attaching party" means a telecommunications provider or provider of cable service attaching wire, cable, facilities or other apparatus to the poles of, or in any duct or conduit owned or controlled by Michigan Bell Telephone Company. The definition of "attaching party" and "attachment" under section 6(g) of Public Act 3 of 1939 shall not apply to this tariff. (C)

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By Gail F. Torreano, Vice President - State and Federal Government  
Detroit, Michigan

Tariff

PART 2 - General Terms and Conditions  
SECTION 6 - Pole Attachment and Conduit  
Occupancy Accommodations

1st Revised Sheet No. 2  
Cancels  
Original Sheet No. 2

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GENERAL REGULATIONS

A. SCOPE OF AGREEMENT

1. The Company will permit, to the extent it may lawfully do so, the placement of attaching party's wire, cable or other facilities on the Company's pole or within the Company's conduit or trench system where reasonably available, and where such use will not interfere with the Company's service requirements or the existing use of its facilities by others. (C)
2. The Company and the attaching party will execute a contract covering such attachments. If any conflict occurs between the contract provisions and the provisions of this tariff, the provisions of this tariff will apply. (C)
3. No use, however extended, of the Company's poles, conduit or trench systems, or payment of any fees or charges required under this tariff, shall create or vest in attaching party any ownership or property rights in said poles, conduit or trench systems. Nothing herein contained shall be construed to compel the Company to construct, retain, extend, place or maintain any facilities not needed for its own service requirements. (C)
4. It is recognized that the Company has heretofore entered into, or may in the future enter into, agreements and arrangements with other parties regarding its poles, conduit or trench systems. Nothing herein contained shall be construed as a limitation, restriction or prohibition against the Company with respect to such other agreements and arrangements.

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By Gail F. Torreano, Vice President - State and Federal Government  
Detroit, Michigan

Tariff

1st Revised Sheet No. 3  
Cancels  
Original Sheet No. 3

PART 2 - General Terms and Conditions  
SECTION 6 - Pole Attachment and Conduit  
Occupancy Accommodations

GENERAL REGULATIONS

B. SPECIFICATIONS

1. Attaching party's cables and facilities shall be placed and maintained in accordance with the requirements and specifications of this tariff. The provisions of the National Electrical Code (NEC), the National Electrical Safety Code (NESC), the Michigan Public Service Commission (MPSC), the rules and regulations of the Occupational Safety and Health Act (OSHA) and of any governing authority having jurisdiction over the subject matter, shall apply. (C)
2. Any existing joint occupancies by the Company and the attaching party of the Company's strands or ducts of conduit system shall continue under the conditions specified. However if either party has occasion to perform work activities that would allow for separation, or the Company requires such, the joint occupancy shall be terminated and no new joint occupancy created. (C)

C. LEGAL AUTHORITY

1. Attaching party shall submit to the Company satisfactory evidence of attaching party's lawful authority to place, maintain and operate its facilities within public streets, highways, and other thoroughfares and shall secure any necessary franchises, permits and consents from Federal, State, County and Municipal authorities and from the owners of property to construct, maintain and operate facilities at the locations of poles, conduit or trench systems of the Company which it uses. (C)
2. The Company and the attaching party shall at all times observe and comply with the provisions of this tariff, and are subject to all laws, ordinances and regulations which in any manner affect the rights and obligations of the parties hereto, so long as such laws, ordinances or regulations remain in effect. (C)

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Detroit, Michigan

Tariff

1st Revised Sheet No. 4  
Cancels  
Original Sheet No. 4

PART 2 - General Terms and Conditions  
SECTION 6 - Pole Attachment and Conduit  
Occupancy Accommodations

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GENERAL REGULATIONS

- D. ISSUANCE OF LICENSE (C)
1. Before attaching party shall have the right to attach to any pole of the Company, or place any cable or facilities within any conduit or trench system of the Company, the attaching party shall make written application for and receive a written, revocable, nonexclusive license therefore from the Company. (C)
- E. ISSUANCE OF POLE ATTACHMENT, CONDUIT OCCUPANCY OR TRENCH OCCUPANCY PERMITS (C)
1. Before an attaching party may attach any facilities to any pole of the Company, or place any cables or facilities within any conduit or trench system of the Company, the attaching party shall have secured license under D.1., preceding and shall make written application for a and receive a written, revocable, nonexclusive permit therefore from the Company. (N)
2. Attaching party shall limit the filing of applications for pole attachment permits so that not more than 300 poles in any one application and 1500 poles in all applications currently are in process for any given franchised area at any one time. Attaching party shall designate the requested priorities for survey and make-ready work, if necessary, with respect to each such application. (C)
3. Any permit granted hereunder for attachment to the Company's poles shall terminate without further notice to the attaching party as to individual poles covered by the permit, to which the attaching party has not attached and put into service its facilities within 180 days from the date that the Company has notified the attaching party that such poles are available for attachment. (C)

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/1/ Material now appears on Original Sheet 4.1

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SECTION 6 - Pole Attachment and Conduit  
Occupancy Accommodations

Original Sheet No. 4.1

GENERAL REGULATIONS

- E. ISSUANCE OF POLE ATTACHMENT, CONDUIT OCCUPANCY OR TRENCH OCCUPANCY PERMITS (C)/1
4. Any permit granted hereunder for placement of attaching party's facilities in the Company's conduit system shall terminate without further notice to the attaching party as to individual sections of the Company's conduit system covered by permit, in which the attaching party has not placed and put into service its facilities within 180 days from the date that the Company has notified the attaching party that such sections of the conduit system are available for the placement of facilities. (C) | (C) | (C)
5. Any permit granted hereunder for placement of attaching party's facilities in the Company's trench system shall terminate without further notice to the attaching party as to individual sections of the Company's trench system covered by the license, in which the attaching party has not placed its facilities at the time the trench is opened. The Company will notify the attaching party 48 hours in advance that such sections of the trench system will be available for the placement of facilities. (C) | (C) | (C) /1/

/1/ Material formerly appeared on Original Sheet No. 4

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PART 2 - General Terms and Conditions  
SECTION 6 - Pole Attachment and Conduit  
Occupancy Accommodations

1st Revised Sheet No. 5  
Cancels  
Original Sheet No. 5

GENERAL REGULATIONS

- F. POLE REPLACEMENTS AND REARRANGEMENTS (C)
1. The Company reserves the right to refuse to grant authority for the attachment to its poles when it determines that the communication space on such pole is required for its exclusive use or that the pole may not reasonably be rearranged or replaced.
  2. In the event the Company determines that any pole to which attaching party desires to make attachments is inadequate or otherwise needs rearrangement of the existing facilities thereon to support or accommodate the additional facilities of attaching party, the Company will indicate on the application the changes necessary to provide adequate pole space and the estimated cost thereof to attaching party and return it to attaching party. If attaching party desires that such changes be made and returns the application marked to so indicate, the Company will make such changes, including the replacement of inadequate poles, at the expense of attaching party. Attaching party shall also reimburse the owner or owners of other facilities attached to said poles for any expense incurred by it or them in transferring or rearranging said facilities to accommodate attaching party's attachments. Attaching party shall not be entitled to reimbursement of any amounts paid to the Company for pole replacements or for the rearrangement of facilities on the Company's poles by reason of the use of any of the pole space so acquired by the Company or other authorized user. (C)
  3. Should the Company need for its own service requirements the space occupied by attaching party's attachments on any of the Company's poles, attaching party shall either surrender its authority for that pole and, at its own expense, vacate the space by removing its attachments, or shall authorize the Company to replace the poles at the expense of attaching party, in the same manner as stated in the preceding Paragraph 2, or, if the Company advises attaching party that attaching party's desired attachments can be accommodated on present poles of the Company by rearranging the Company's facilities thereon, attaching party shall authorize the Company to make such rearrangements. Attaching party shall reimburse the Company for any expense incurred by it in transferring or rearranging said facilities to accommodate attaching party's attachments. Any strengthening or stepping of poles will be provided at the expense of attaching party. (C)

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