

those seeking attachment through the provisions of the 1996 Act and the Commission's rules.

C. Right to Remove Facilities  
in Case of Emergency and Recovery

Recently, several utilities experienced extreme emergency recovery operations in the wake of Hurricane Fran. Power lines and facilities attached to these utilities' poles were torn down by high winds and were mixed and tangled beyond recognition. CPL requests that the Commission specifically grant to utilities a right to remove pole attachment facilities in such situations. The right would allow utilities to conduct the required emergency and recovery operations, cutting down and even destroying facilities attached to its poles without liability. The cable television operator or telecommunications carrier would be responsible for the replacement, repair and reattachment of any equipment which was destroyed by inclement weather or other natural disaster and the clean-up operations following a natural disaster. The cable television operator or telecommunications carrier, however, would maintain its position on the pole.

These recommended additions to the rules and guidelines will help utility companies accomplish the goals set forth in the 1996 Act. By these recommendations, utility companies will be able to police pole attachments, maintaining the maximum capacity for use in accord with the 1996 Act and the Commission's rules. Required labelling of pole attachments will enable identification and unrestricted removal of unauthorized pole attachments will

maximize capacity for those cable television operators and telecommunications carriers properly seeking attachment.

The identification will also enhance the requested right to remove pole attachment facilities in the event of natural disaster or other emergency. The right to remove pole attachment facilities in the event of such an emergency will give the utility companies the authority to most efficiently clean up and restore utility service and telecommunications service following a natural disaster and is, without question, in the public interest.

V. CONCLUSION

The Commission has failed to consider the responsibilities already placed upon utilities in meeting state requirements and providing its core service. The adopted rules unnecessarily burden utilities with unnecessary delay and undue breadth for the convenience cable television operators and telecommunications carriers. The guidelines, while of questionable legal effect, equally ignore utilities' responsibilities and exposure for liability. The guidelines provide extreme access for pole attachments to the detriment and compromise of the provision of electric utility service as the first priority of electric utilities. Finally, the Commission completely failed to protect utilities from liability in removal of unauthorized pole attachments, and in emergency recovery operations.

CPL requests that the Commission reconsider and revise its rules and guidelines to better balance the needs of the telecommunications industry with the needs of the utility industry. CPL also requests that the Commission clarify the efficacy of the guidelines.

Respectfully submitted,

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