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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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APR 4 1997

Federal Communications Commission
Office of Secretary

In the Matter of)
)
)
Amendment of Rules and Policies)
Governing Pole Attachments)

CS Docket No. 97-98

To: The Commission

MOTION FOR EXTENSION OF TIME

AEP Service Corp., Commonwealth Edison Co., Duke Power Co., Florida Power & Light Co. and Northern States Power Co. (collectively referred to as the "Utilities"), through their undersigned counsel and pursuant to Section 1.46(b) of the rules and regulations of the Federal Communications Commission (herein the "Commission"), respectfully move for a 60-day extension of time by which interested parties must file comments and reply comments to the Notice of Proposed Rulemaking in the above-referenced matter^{1/} and for an increase in the total reply comment period from 30 to 45 days. In its Pole Attachment Rate

^{1/} In the Matter of Amendment of Rules and Policies Governing Pole Attachments, Notice of Proposed Rulemaking, CS Docket No. 97-98, released March 14, 1997 (referred to herein as the "Pole Attachment Rate NPRM").

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NPRM, the Commission requires that interested parties submit comments by May 12, 1997 and reply comments by June 12, 1997.^{2/} The Utilities ask that these dates be extended to July 11, 1997 and August 25, 1997, respectively. In support of their motion, the Utilities state as follows:

1. The Utilities are all electric utilities engaged in the generation, transmission, distribution and sale of electric energy. The Utilities own electric energy distribution systems that include poles, conduit, ducts and right-of-way access that are subject to regulation by the Commission under the federal Pole Attachments Act, 47 U.S.C. § 224, as amended.^{3/}

2. Edison Electric Institute ("EEI") and UTC, The Telecommunications Association ("UTC") are trade associations that represent the interests of electric utilities in telecommunications and other matters. We have spoken with counsel for EEI and UTC who agree with the need for an extension of time in this proceeding.

3. The Pole Attachment Rate NPRM seeks comment on rules to improve the accuracy of the pole attachment rate formula currently used by the Commission and on a new conduit rate formula to be used by utilities for determining the maximum just

^{2/} Pole Attachment Rate NPRM, ¶ 82.

^{3/} Some of the Utilities operate in states that have preempted the Commission's jurisdiction by making the certification required under 47 U.S.C. § 224(c)(2). Nonetheless, because the federal statute serves as the "benchmark" on pole-related issues, the Utilities continue to have a significant interest in the Commission's decisions concerning such issues.

and reasonable rate they may charge cable companies and telecommunications carriers, prior to February 8, 2001.^{4/}

4. The Utilities respectfully request that the Commission extend the filing deadlines for comments and reply comments in the above-referenced matter primarily for four reasons. First, the subject matter of the Pole Attachment Rate NPRM presents complex issues that will affect utilities, cable television system operators and telecommunications carriers. While pole rate formulas have been in place for many years, the proposals for a conduit rate formula are new and involve issues that have not been addressed previously by the industry. Because of this, a response to the NPRM will require examination of detailed accounting and engineering information on a company-by-company basis. For example, conduit infrastructure is not necessarily as standardized within the industry as pole plant. Developing a comprehensive assessment of the appropriate accounts for this infrastructure will require significant additional work on the part of the Utilities. As a result, it is imperative that all parties be given an adequate opportunity to address the proposals raised by the Commission.

5. Second, because the Utilities wish to undertake a detailed economic analysis of every accounting and rate element implicated by the rulemaking, particularly in the conduit area, the individual Utilities require time to review the accounting methodologies used currently by the electric industry in light of

^{4/} Pole Attachment Rate NPRM, ¶ 1.

the Commission's proposals. It is only through this approach that the Commission can be assured of receiving the type of detailed analysis essential for properly addressing these issues. Under the current deadlines, the Utilities believe it will be difficult, if not impossible, to present the Commission with detailed information sufficient to fully address the issues raised in the Pole Attachment Rate NPRM.

6. Third, the Utilities' need for an extension of time to file comments and reply comments to the Pole Attachment Rate NPRM is exacerbated by the Commission's impending release of a second notice of proposed rulemaking to establish pole attachment rates applicable to telecommunications carriers after February 8, 2001. It is the understanding of the Utilities that the Commission intends to release the second NPRM at any time. The implication of the Commission's planned release of a second NPRM is that the Utilities will be forced to participate in two critical rulemaking proceedings in timeframes that overlap in a way that prevents them from giving both rulemakings the full attention each deserves.

7. Finally, by granting the requested extension, the Commission will facilitate its goal of encouraging parties with similar interests to file joint comments. The Utilities are in the process of ascertaining whether other utilities with an interest in the above-mentioned rulemaking may be willing to file joint comments. However, this process is time consuming. Under the Commission's current schedule, it will be difficult for the

Utilities to secure the commitment and input necessary to file joint comments, thus increasing the likelihood that the FCC may be required to review additional comments.

8. WHEREFORE, in light of the arguments presented above, the Utilities, by their attorneys, hereby respectfully request that the Commission grant a 60-day extension of time by which interested parties must file comments and reply comments to the Pole Attachment Rate NPRM and increase the total reply comment period from 30 to 45 days.

Respectfully submitted,

**AEP SERVICE CORPORATION
COMMONWEALTH EDISON CO.
DUKE POWER CO.
FLORIDA POWER AND LIGHT CO.
NORTHERN STATES POWER CO.**

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April 4, 1997

CERTIFICATE OF SERVICE

I hereby Certify that on this 4th day of April, 1997, I caused true and correct copies of the Motion for Extension of Time to be served via hand delivery on:

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