

that “[s]upply, control, and communication cables shall not be installed in the same duct unless the cables are maintained or operated by the same utility.” NESC at 186. Nothing in this language prevents a communications company from turning over operation of its cable to the electric utility or prevents the electric utility from installing its own communications cable in the same duct with its power cables.<sup>52</sup> The electric utilities complain that they might lease conduit space to a new entrant at the one-third-duct (or one-half-duct) rate, yet be unable to find any other party -- including itself -- that also wishes to use that duct. But the same is true of any other conduit owner -- the proposed formula properly bases charges on the space actually occupied by the leasing party. In short, the electric utilities will be treated exactly the same as other conduit owners when they allow other parties to occupy their conduit, and the same one-third duct rate formula is appropriate.

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<sup>52</sup> See also Ameritech at 5 (“it may be possible that non-conducting fiber optic cables could share a duct with an electrical cable, presuming there is space to do so and access and safety provisions are met”).

## CONCLUSION

For the foregoing reasons, the Commission should: (1) continue to apply its existing pole attachment rate methodology without any of the self-serving adjustments proposed by pole owners; (2) ensure that pole and conduit owners collect no more than the maximum permissible rate per unit of space, without imposing discriminatory charges for different attachment types; (3) reject attempts to exempt wireless attachments and transmission towers from rate regulation; and (4) adopt its proposed conduit formula using a "one-third duct" convention.

Respectfully submitted,

AT&T CORP.

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August 11, 1997

**APPENDIX: LIST OF COMMENTERS**

<b>Commenter</b>	<b>Short Name</b>
The Association for Local Telecommunications Services	"ALTS"
American Electric Power Service Company, Commonwealth Edison Company, Duke Power Company, Florida Power and Light Company, Northern States Power Company	"Electric Utilities II"
Ameritech Operating Companies	"Ameritech"
AT&T Corp.	"AT&T"
Bell Atlantic and NYNEX	"Bell Atlantic and NYNEX"
BellSouth Corporation	"BellSouth"
Consolidated Edison Company of New York, Inc.	"Consolidated Edison"
Duquesne Light Company	"Duquesne Light"
Edison Electric Institute and Edison Electric, the Telecommunications Association	"Edison Electric"
The Electric Utilities Coalition	"Electric Utilities I"
GTE Service Corporation	"GTE"
National Cable Television Association, Cable Telecommunications Association, Texas Cable & Telecommunications Association, Cable Television Association of Georgia, South Carolina Cable Television Association, Cable Television of Maryland, Delaware and the District of Columbia, Mississippi Cable Telecommunications Association, Mid-America Cable Telecommunications Association, Kansas Cable Telecommunications Association, Jones Intercable, Inc., Charter Communications, Greater Media, Inc., Prime Cable, Rifkin & Associates, TCA Cable TV, Inc., The Helicon Corporation	"NCTA"
Ohio Edison Company	"Ohio Edison"
Public Service Company of New Mexico	"PSCNM"
The Southern New England Telephone Company	"SNET"
Sprint Corporation	"Sprint"
SBC Communications Inc.	"SWBT"
Tele-Communications, Inc.	"TCI"

<b>Commenter</b>	<b>Short Name</b>
Time Warner Cable	"Time Warner"
Union Electric Company	"Union Electric"
United States Telephone Association	"USTA"
U S WEST, Inc.	"U S WEST"
WorldCom, Inc.	"WorldCom"

**CERTIFICATE OF SERVICE**

I, Thomas A. Blaser, do hereby certify that on this 11th day of August, 1997, I caused a copy of the foregoing Reply Comments of AT&T Corp. to be served upon each of the parties listed on the attached Service List by U.S. First Class mail, postage prepaid.

/s/ THOMAS A. BLASER

Thomas A. Blaser

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## APPENDIX C

### Derivation of New Pole Attachment Formula Rate Increase

Current Pole Attachment Rate Formula

New Pole Attachment Rate Formula

$$\frac{SOA}{TUS} \times CC \times PC$$

$$\frac{SOA}{TUS} \times \frac{TUS}{PH} \times CC \times PC + \frac{2}{3} \times \frac{(PH-TUS)}{PH} \times CC \times \frac{PC}{NOA}$$

where SOA = space occupied by an attachment,  
 TUS = total usable space,  
 CC = carrying charge,  
 PC = pole cost,  
 PH = pole height, and  
 NOA = number of attachers.

The increase in rates under the new pole attachment formula over those produced under the current formula can be determine algebraically by setting:

$$INCREASE = \frac{(\text{New Rate Formula} - \text{Current Rate Formula})}{\text{Current Rate Formula}}$$

Substituting for the actual equations and simplifying produces:

$$(INCREASE + 1) \times \frac{SOA}{TUS} = \frac{SOA}{PH} + \frac{2}{3} \times \frac{(PH-TUS)}{(NOA)(PH)}$$

Further rearrangement permits a solution for INCREASE in terms of TUS, PH, SOA, and NOA:

$$INCREASE = \frac{TUS}{PH} \times \left[ 1 + \frac{2}{3} \times \frac{(PH-TUS)}{(SOA)(NOA)} \right] - 1$$

Using the Commission presumptions of PH=37.5, TUS=13.5, and SOA=1, we obtain:

$$INCREASE = \frac{13.5}{37.5} \times \left[ 1 + \frac{2}{3} \times \frac{24}{NOA} \right] - 1 = \frac{16}{NOA} \times \frac{9}{25} - \frac{16}{25}$$

Thus, the percentage increase will be:

$$\% \text{ Rate Increase} = 100 \times \frac{16}{NOA} \times \frac{9}{25} - 100 \times \frac{16}{25} = \frac{576}{NOA} - 64$$

## CERTIFICATE OF SERVICE

I, Scott M. Bohannon, do hereby certify that on this 26th day of September, 1997, I caused a copy of the foregoing Comments of AT&T Corp. to be served upon each of the parties listed on the attached Service List by U.S. First Class mail, postage prepaid.

A handwritten signature in black ink, appearing to read "Scott M. Bohannon", with a horizontal line underneath the signature.

Scott M. Bohannon

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