

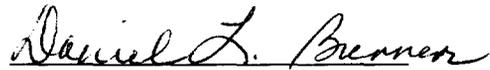
is difficult to anticipate the types of uses that might arise between utilities that hold easements and potential sublessees.”<sup>47</sup>

EEL/UTC argues that the terms of right-of-way use by telecommunications carriers should be left to private negotiations.<sup>48</sup> But other electric parties join the vast majority of commenters in support of case-by-case Commission resolution of right-of-way disputes.<sup>49</sup> The case-by-case approach should be adopted.

### CONCLUSION

For the foregoing reasons, the Commission should adopt regulations and policies consistent with NCTA’s comments and reply comments.

Respectfully submitted,



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<sup>47</sup> Comments of U S West, CS Docket No. 97-151, Sept. 26, 1997, at 12.

<sup>48</sup> EEL/UTC at 30.

<sup>49</sup> See, e.g., Union Electric at 46; Ohio Edison at 49-50; Duquesne at 52.