

"pole attachment" and "telecommunications carrier" as the criteria for determining who is an "attaching entity."

IV. SECTION 224(g)'S IMPUTATION REQUIREMENT IS NOT RELEVANT TO THE ALLOCATION OF NON-USABLE SPACE COST IN THE NEW CARRIER FORMULA.

In the NPRM, the Commission noted that Section 224 requires utilities providing telecommunications services to impute to their costs of providing such services, or charge their affiliates providing such services, the amount for which they would be liable under Section 224, if Section 224 were applicable.<sup>40</sup> The Commission did not expressly explain how Section 224(g) was relevant to determining the number of attaching entities, but it appeared to rely, in part, on Section 224(g) in tentatively concluding that a utility providing telecommunications services should be counted as an "attaching entity." Prompted by this reference to the imputation requirement in the NPRM, a few commenters argue that the imputation requirement supports counting ILECs as "attaching entities."<sup>41</sup> SBC does not agree. The imputation in Section 224(g) is a requirement concerning pricing of a utility's telecommunications or cable services or the use of a utility's pole attachments by an affiliate; it does not address cost allocation or the maximum rate chargeable to telecommunications

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<sup>40</sup> NPRM, ¶22.

<sup>41</sup> AT&T at 12-13; NCTA at 17.

carriers under Section 224(e).<sup>42</sup> In any event, the utility's automatic one-third share of non-usable space cost is more than sufficient to cover the amount that Section 224(g) requires to be imputed in the utility's telecommunications rates or charged to the affiliate.

V. THIRD PARTY OVERLASHERS SHOULD COUNT AS SEPARATE ATTACHING ENTITIES.

A number of commenters, including attachers, agree that when a third party overlashes its line on an existing attachment, it should be counted as a separate "attaching entity."<sup>43</sup> Given that the purpose of Section 224(e)(2) is to recognize that the non-usable space "is of equal benefit to all entities attaching to the pole,"<sup>44</sup> this conclusion is inescapable. The only commenters who attempt to escape this conclusion are those who argue that overlashers should get a free ride and pay nothing at all.<sup>45</sup> Among other problems, as discussed above and in MCI's comments, free space would be inherently discriminatory. Likewise, counting the original attacher, but not the overlashers, would be discriminatory and contrary to Section 224(e)'s purpose of "ensur[ing] that a utility charges just, reasonable, and

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<sup>42</sup> Cf. Accounting Safeguards Order ¶87 & n. 204.

<sup>43</sup> E.g., Comcast at 11; NCTA at 20. Cf. MCI at 7-10, 12 (all overlashing is counted as a separate attaching entity and pole capacity is expanded by the amount of overlashing).

<sup>44</sup> Conference Rep. No. 104-458, 104th Cong., 2d Sess., February 1, 1996, at 206.

<sup>45</sup> See, e.g. AT&T at 5-9.

nondiscriminatory rates for pole attachments."<sup>46</sup>

Consistent with this approach, ICG takes the position that "[e]ach user of a pole or conduit should be counted as one entity for purpose of allocating the cost of unusable space, regardless of how many attachments it makes or the amount of space it occupies." While it is debatable whether the amount of space occupied should be factored into the pro rata allocation of non-usable space costs among "attaching entities", it is clear that a carrier that overlashes its line on another party's existing attachment is a separate business entity that receives a benefit from the use of pole space the same as the existing attacher.<sup>47</sup> Accordingly, there is no doubt that the overlasher should be counted.

While third party overlashing should not be mandated across-the-board, to the extent utilities allow it, each overlashing cable operator or telecommunications carrier (other than an ILEC) should be counted as a separate attaching entity.

SBC agrees, as a general proposition, with those commenters who observe that Section 224(e)(2)'s allocation of non-usable space costs should not be based on the amount of space

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<sup>46</sup> 47 U.S.C. §224(e)(1).

<sup>47</sup> Likewise, the utility incurs costs attributable to the non-usable space that should be allocated among the parties, including overlashers, that use pole attachment space to provide cable or telecommunications service.

occupied.<sup>48</sup> However, if one "attaching entity" has two separate attachments that occupy two one-foot sections of the pole, then SBC submits it would be reasonable to allocate a double share of non-usable space costs to such entity. This would minimize the unfairness of allocating the same cost to the "attaching entity" with one foot of space as to the one who has two feet of space.<sup>49</sup> However, this should not be carried to the extreme of considering the exact amount of space actually occupied by each attaching entity, nor should the share of non-usable space be reduced for third parties that the utility allows to overlash. Commenters such as Comcast and the NCTA agree that an overlasher should be allocated a full pro rata share of the non-usable space cost.<sup>50</sup> In addition to being inconsistent with Section 224(e)(2)'s pro rata allocation, an exacting proportionate allocation would be an administrative nightmare. The Commission should consider the administrative difficulty of conducting the surveys of poles necessary to establish or verify the number of "attaching entities."

Allocating a double share to an attacher with two attachments occupying two feet would not necessarily be inconsistent with Section 224(e)(2) because it would not result

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<sup>48</sup> SBC at 24-25; Electric Utility Coalition at 6-7; Edison Electric et al. at 21-22.

<sup>49</sup> See AT&T at 15.

<sup>50</sup> Comcast at 11; NCTA at 20.

in an allocation that is directly proportionate to the share of usable space occupied by each attachment (i.e.,  $1/13.5$ ); rather, each of the "attaching entities" occupying one foot would be allocated one pro rata share of the usable space, and the "attaching entity" occupying two feet would receive two pro rata shares (i.e.,  $2/(N+1)$ , where N is the number of carriers/cable operators attached to the pole).

VI. THE METHOD OF DETERMINING THE NUMBER OF ATTACHING ENTITIES SHOULD BE SIMPLE BUT REASONABLY ACCURATE.

The Commission should reject suggestions that it establish a complex, burdensome method of determining the average number of attaching entities.<sup>51</sup> Conducting periodic surveys of urban, suburban and rural geographic areas in each state is unnecessarily complex. Of course, SBC sees no significant problems if utilities are allowed the option of conducting such surveys of specific geographic areas that share similar characteristics, but the Commission should not dictate the boundaries of these survey areas nor should attachers have the option of conducting surveys of areas having different boundaries. Several commenters, including Ameritech, Bell Atlantic, NCTA and Sprint, support giving the utilities the option of conducting area-specific surveys.<sup>52</sup>

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<sup>51</sup> ICG at 35-39; KMC Telecom at 6-7.

<sup>52</sup> Ameritech at 13; Bell Atlantic at 7; NCTA at 21; Sprint at 3. Cf. MCI at 16 (area-specific data without conducting surveys).

However, if it chooses, the utility should be allowed to use a simpler method of establishing the number of attaching entities, such as based on any business records it has of the number of attaching entities in a state or on a company-wide basis. As MCI observes, some utilities may have records sufficient to establish the average number of attaching entities. Reliance on such records may be feasible so long as the Commission does not adopt rules that make it difficult to determine whether someone is an "attaching entity." For example, if the Commission requires a determination of the number of poles that a cable operator uses to provide telecommunications service in its franchise area, as suggested by cable operator commenters, then counting based on records alone may be impossible.

If records are not sufficient, then the utility should be allowed to conduct periodic surveys to estimate the average number on a state- or company-wide basis. In that event, the attacher should not be allowed to rebut the results of the utility's survey with a survey of a different geographic area. At most, surveys should only be required every three to five years, perhaps on a rotating basis throughout the utility's jurisdictions.

Support among commenters for mandating area-specific surveys is very limited. ICG suggests that the Commission conduct these surveys "for urban, suburban and rural areas and possibly for different regions of the country." In its Comments, SBC

explained in detail why it opposes use of Commission resources to conduct nation-wide surveys.<sup>53</sup> Given the absence of any support among commenters for mandatory area-specific surveys, the Commission should not adopt such a requirement. In any event, there would be a number of problems if the Commission adopted area-specific surveys, as noted in SBC's comments. For example, there would be endless disputes over the boundaries of the urban, suburban and rural areas. Also, carving out portions of a state for counting "attaching entities" without carving out the corresponding cost components would result in mismatching data and further disputes over the rates. The complexity of disaggregating the cost data by regions of a state would be enormous. US West's suggestion to use a "zone density pricing" approach for conduit<sup>54</sup> also presents these problems, and thus, utilities certainly should not be required to use such an approach.

The Commission should also reject arbitrary presumptions suggested by various commenters. For example, out of thin air, AT&T and GTE suggest a presumption of three(3) "attaching entities".<sup>55</sup> Based on shallow analysis of the Commission's fiber deployment reports, Comcast suggests three(3) for rural

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<sup>53</sup> SBC at 26-27.

<sup>54</sup> US West at 5-6.

<sup>55</sup> AT&T at 14; GTE at 12.

areas and six(6) for urban areas.<sup>56</sup> The Commission should reject the use of arbitrary presumptions. Presumptions regarding average pole height and usable space are realistic because of the standard sizes of poles and relatively standard utility practices. In contrast, the number of attachers will vary widely among utilities and may be vastly different for Bell Operating Companies ("BOCs"), other ILECs, electric utilities or other pole-owning utilities, and state-by-state variations will result from differences in state regulations and economic environment. These presumptions would be extremely unfair. Even if the Commission could develop reasonable presumptions for different geographic areas, the difficulty and cost of overcoming such presumptions makes them, as a practical matter, irrebuttable standards. This is illustrated by the rarity of utility pole height surveys.

VII. THE COMMISSION SHOULD REJECT SUGGESTED CHANGES TO THE PRESUMPTION THAT EACH POLE ATTACHMENT OCCUPIES ONE FOOT OF SPACE.

ICG and MCI suggest drastic changes in the presumption that

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<sup>56</sup> Comcast at 8-10; NCTA at 20. There are several flaws in Comcast/NCTA's reliance on this report. For example, their assumption that the existence of 6 or 7 CLECs in the two largest cities means there are 9 to 10 "attaching entities" is illogical. Comcast at 8. This assumes that the 6 or 7 CLECs have attachments on most of the poles in these two cities. Likewise, they incorrectly assume that ILECs and electric utilities are "attaching entities." In fact, NCTA inconsistently supports the Comcast analysis that includes electric utilities while maintaining that electric utilities are only counted if they provide telecommunications services. NCTA at 17, 20. There are similar flaws throughout their analysis.

each pole attachment occupies one foot of space.<sup>57</sup> This presumption is a long-standing and well-established principle based on the original legislative history of the Pole Attachment Act. The 1996 Act's amendments to the Pole Attachment Act did not indicate any reason to re-examine this presumption and there is insufficient justification for doing so. In fact, the suggested modifications would conflict with another principle underlying the Pole Attachment Act: "procedures and calculations should remain simple and expeditious and not modeled on ratemaking or complex tariff proceedings."<sup>58</sup> There is nothing simple about either MCI's or ICG's newly proposed presumptions and they have a number of flaws. In the case of MCI's suggestion, it is based upon a completely theoretical number of overlashers (which should not be mandated across-the-board in any event). Such a change in the occupied space presumption which has little, if any, connection to reality should be summarily dismissed.

ICG's suggested changes are likewise based on improper assumptions. The one foot presumption is still valid today. The most obvious reasons are:

1. Spinning devices used to lash cable to strand, or used in overlashing operations require working space above, below and between strands.

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<sup>57</sup> ICG at 39-43; MCI at 6-10.

<sup>58</sup> Amendment of Rules and Policies Governing the Attachment of Cable Television Hardware to Utility Poles, CC Docket No. 86-212, 2 FCC Rcd 4387 ¶37(1987) ("1987 Report and Order").

2. Splice enclosures for cables can be as large as 12" in diameter.

3. To prevent abrasion and other damage, midspan spacing must be sufficient to allow for differences in storm-loaded sag as well as conditions where ice loading on the upper strand is greater than that on the lower strand.

Sometimes spacing even greater than one foot is required to ensure proper clearance.

ICG's proposal for different spacings below the safety space<sup>59</sup> is not only inadequate as stated above, the following is one example as to why it is unworkable. Initial placements typically are not overlashed. Under ICG's proposal, cables would be initially placed with a six-inch (6") separation. Later, when overlashing might be desired, new holes in poles would be required to get nine-inch (9") separation; however, they could not be moved just three inches (3"). Four inches (4") is the minimum spacing between through bolt holes. Because of cables placed above the initial cable, the next available place for a hole in the pole would be one foot above, requiring any cables above to also be relocated.

For these and other reasons, the Commission should retain the presumption that each pole attachment occupies one foot of space.

#### VIII. MAINTENANCE DUCTS SHOULD BE CONSIDERED NON-USABLE.

A few attachers continue question the exclusion of a

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<sup>59</sup> ICG at 39.

maintenance duct from usable duct space in a conduit system. For the most part, SBC has responded to these objections in CS Docket No. 97-98.<sup>60</sup> However, there are additional problems with the continuation of these criticisms of reservation of the maintenance duct, especially in the context of the carrier formula's requirement to distinguish usable and non-usable space. For example, Comcast, MCI and AT&T claim that the maintenance duct cannot be considered non-usable because it is in fact "used" for maintenance purposes.<sup>61</sup> Of course, this argument admits the fact that the maintenance duct is an essential component of a conduit system. For example, Comcast states: "The space is held for use (and actually used) by the conduit owner for maintenance of its own facilities."<sup>62</sup> Of course, as SBC explained in CS Docket No. 97-98, the maintenance duct is in fact made available to licensees, as SWBT's current license agreement confirms. Therefore, exclusion of the maintenance duct could be conditioned upon such availability of the maintenance duct to attachers.

Suggestions that the maintenance duct is part of the usable space are incorrect. The maintenance duct is only usable on a temporary basis during the period of the maintenance or repair

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<sup>60</sup> SBC Reply Comments, CS Docket No. 97-98, at 18-19. See also SBC at 33-34.

<sup>61</sup> AT&T at 16; Comcast at 21; MCI at 17.

<sup>62</sup> Comcast at 21.

activities. Thus, it is not usable in the sense of being available for permanent occupancy pursuant to a license from the utility. It would be equally illogical to contend that the pole's first 18 feet above ground are usable because that portion of the pole is used for climbing the pole to perform maintenance. Likewise, the installation of vertical runs to the ground do not make the entire vertical space of the pole usable. The maintenance duct is non-usable because it must remain open for purposes of maintenance and is not available to be licensed for ongoing use by attachers.

MCI inconsistently argues as follows: "In fact, the Commission's conduit formula explicitly accounted for maintenance ducts as usable space by reducing the average number of usable ducts by the number of maintenance ducts."<sup>63</sup> MCI appears to leave the maintenance ducts in limbo because it acknowledges their deduction from the usable space, but it argues that they should not be treated as non-usable in the carrier formula. Such an approach that completely ignores a portion of the conduit capacity clearly cannot be reconciled with Section 224(e).

In contrast to AT&T, MCI and Comcast's misguided objections to the non-usable maintenance duct, ICG supports considering it non-usable on only one condition applicable to ILECs: So long as the maintenance duct is "available for the temporary use of any

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<sup>63</sup> MCI at 16-17.

party."<sup>64</sup>

IX. THE COMMISSION SHOULD ALLOW UTILITIES TO USE THE ALTERNATIVE METHOD FOR PRICING CONDUIT SPACE SUGGESTED BY ICG.

ICG properly recognizes the potential impact of excessive demand for utility conduit space that may exhaust capacity in some locations:

Because of utilities' concerns that telecommunications carriers will occupy duct space later needed for utility operations, requiring construction of new ducts at costs significantly higher than the historical cost of existing ducts, it may be appropriate to base duct rates on current costs, rather than embedded accounting costs. . . . [T]he Commission . . . should permit some flexibility in the determination of the costs that are taken into account. In particular, it may be appropriate, at least in high-density areas, to base such rates on current costs, rather than embedded accounting costs.<sup>65</sup>

ICG's suggested solution is generally consistent with SBC's position concerning an ideal formula in CS Docket No. 97-98.<sup>66</sup> The Commission should permit utilities to substitute actual current costs for embedded costs in their calculation of conduit rates, supported, of course, by appropriate documentation of current construction costs.

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<sup>64</sup> ICG at 54.

<sup>65</sup> ICG at 9, 52.

<sup>66</sup> SBC Comments, CS Docket 97-98, at 23. Cf. Ohio Edison at 12-16; Edison Electric at 8-9; Electric Utility Coalition at 20.

X. THE COMMISSION SHOULD PROVIDE SIMPLE, CLEAR GUIDELINES FOR APPLYING SECTION 224 TO CABLE SYSTEMS THAT DO NOT SOLELY PROVIDE CABLE SERVICE.

Utilities should be able to use simple procedures for determining whether a cable operator is subject to Section 224(e)'s telecommunications carrier rate due to its provision of telecommunications or other non-cable services over its cable system. In view of the difficulty of ascertaining whether a cable system is being used to provide telecommunications or other non-cable services, SBC agrees with suggestions that cable operators be required to certify periodically for each cable system that it is solely providing cable services, and not any telecommunications or other non-cable services. If the cable operator fails to certify the status of a cable system, then all of the poles used by that cable system should be presumed to be governed by Section 224(e). If a cable operator misrepresents the status of its cable system, the utility should be able to pursue appropriate remedies for breach of the certification requirement.

SBC does not agree with proposals to apportion a cable system's liability for Section 224(e)'s carrier pole attachment rates based on some method of allocating the cable system's capacity between cable service and telecommunications uses.<sup>67</sup>

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<sup>67</sup> See Comcast at 15-17; NCTA at 22-24. Comcast suggests that its liability for Section 224(e) rates should be apportioned even when it transmits telecommunications data throughout its entire cable system network because subscription to the telecommunications may be limited to certain households. Comcast

Any cable system that provides telecommunications services should be subject to Section 224(e) throughout its franchise area. As it is, it will be difficult to administer the system-by-system certification. It would be unworkable and costly to apply Section 224(e) on a fractional basis to portions of a cable system.<sup>68</sup> In addition, any apportionment methods are likely to lead to disputes and complaints. The best solution is to keep it simple and apply the new formula on a system-by-system basis, just as the existing formula is generally applied to utilities by determining costs on a state-by-state basis.

The Commission should also provide simple guidelines concerning the specific services that a cable operator may provide over its cable system that would be considered cable service for purposes of Section 224(d). A cable operator will only qualify for the cable operator rate if its attachments are used exclusively to provide cable service. Therefore, whenever a cable operator provides any service over its cable system which is not a cable service subject to Title VI regulation,

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at 15-16. Even assuming it would be proper to apportion liability for Section 224(e) rates at all, it would clearly be a mistake if the telecommunications is being transported throughout the entire system.

<sup>68</sup> One of the arguments advanced by the cable operators is that it would be far more difficult to identify exactly which poles a cable system uses to route telecommunications to its customers. Comcast at 16-17; NCTA at 24. While a pole-by-pole method of applying Section 224(e) to cable operators would be tremendously burdensome, that alone does not justify rejection of the simplest, most expeditious method of applying Section 224(e) on a system-by-system basis.

then it does not qualify for the cable operator rate under Section 224(d). If the non-Title VI service it is providing is a telecommunications service, then Section 224(e)'s telecommunications rate will apply.

A cable operator that provides information services, enhanced services, Internet service or two-way communications services over its cable system should not qualify for the cable operator rate under Section 224(d) because it is not exclusively providing cable service. A few commenters discuss this issue. Comcast argues that provision of Internet service over a cable system should not trigger the higher rate because "Congress intended to allow utility pole owners to charge a higher rate for poles used for the provision of *telecommunications* services . . . ." <sup>69</sup> But, this argument misses the mark because the determining criterion is whether the service is a cable service, not whether it is a telecommunications service. The cable operator need not provide a telecommunications service in order to be disqualified from the lower rate because the Section 224(d) rate does not apply if the service is anything other than cable service.

Comcast claims that the 1996 Act's revised definition of "cable service" includes Internet service, and thus, that a cable operator providing Internet service still qualifies for

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<sup>69</sup> Comcast at 18.

the cable operator pole attachment rate under Section 224(d).<sup>70</sup>

The revised definition states:

The term cable service means--

- (A) the one-way transmission of (i) video programming, or (ii) other programming service, and
- (B) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service . . . .<sup>71</sup>

Comcast also notes that "other programming service" is defined as "information that a cable operator makes available to all subscribers generally."<sup>72</sup> When a cable operator allows its subscribers to have access to Internet services or other enhanced services, it is not exclusively providing cable service because these services are not cable services that are subject to Title VI regulation. Such non-cable services may be accessible via a cable system, just as they may be accessible via the telephone network, but that alone does not make them cable service or telephony. While the 1996 Act's amendment of the definition of "cable service" was intended to "reflect the evolution of cable to include interactive services such as game channels and information services made available to subscribers by the cable operator, as well as enhanced services", this does not mean that the scope of Title VI regulation was expanded to

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<sup>70</sup> Id. at 18-19.

<sup>71</sup> 47 U.S.C. § 522(6) (1996 Act added "or use").

<sup>72</sup> Comcast at 18.

include regulation of such services. Just as no one would seriously claim that information services and enhanced services made available by a telephone company to its customers constitute "telecommunications services," neither do they constitute "cable service" merely because they are accessed via a cable system. The intention reflected in the quoted legislative history is merely an acknowledgment that cable systems are being upgraded to include two-way capabilities so that non-cable services can be accessed via a cable system and the subscriber can interact with these services using up-stream signals. Even as amended by the 1996 Act, Title VI reflects that cable service continues to be primarily a means of providing one-way transmission of video or other programming. When a cable system becomes the transmission path for two-way communications or a means of transmitting data or information chosen or created by the customer between points specified by the customer, then it is no longer exclusively providing cable service.

It is true that the definition of cable service includes programming services other than video programming, but the one-way transmission of that programming service is the predominant attribute of cable service. The interactive capability introduced by the 1996 Act's addition of the phrase "or use" is merely intended to be incidental to the cable operator's making programming available to subscribers generally. Thus, the focus of the definition of "cable service" is still on the "one-way

transmission" of "programming" made available by the cable operator and the "subscriber interaction" is limited to that which is necessary to select or use that cable programming.<sup>73</sup> The definition certainly was not amended to encompass two-way communications or transmissions generally.

Besides the fact that Internet service is not regulated under Title VI,<sup>74</sup> and thus takes the cable system beyond the purview of Section 224(d), many of the features available through an Internet service are two-way capabilities, such as electronic mail, Internet telephony, file transfer capabilities and public or semi-private chat rooms. These clearly exceed the scope of Title VI cable service regulation and should disqualify cable operators from the Section 224(d) cable operator rate.<sup>75</sup>

In any event, any service that competes with a two-way

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<sup>73</sup> For instance, "programming" that a cable operator "makes available to all subscribers generally" cannot be construed to include text or data created by a subscriber and sent as electronic mail to another subscriber or subscribers through a cable system's access to the Internet.

<sup>74</sup> The Commission has only just begun to consider the regulatory implications of the Internet. See, e.g., Usage of the Public Switched Network by Information Service and Internet Access Providers, CC Docket No. 96-263, Notice of Inquiry, 11 FCC Rcd 21354 ¶¶311-318 (1996). Therefore, it may be premature to rule on its treatment for purposes of Section 224(e).

<sup>75</sup> In recent proceedings, the Commission has acknowledged the convergence of cable and telecommunications as members of the two industries have begun to enter each other's markets in a variety of ways. See, e.g., Telecommunications Services Inside Wiring, CS Docket No. 95-184, 11 FCC Rcd 2747 ¶¶2-5, 11, 35 (1996). Any evolution of cable to provide services also available from telecommunications providers should result in the same treatment under the Pole Attachment Act.

telecommunications service should trigger the application of Section 224(e), regardless of the extent to which it would trigger Title II or state common carrier regulation of that cable operator.

Further, the Commission should confirm that use of the cable system for purposes that are neither cable service nor telecommunications service fall outside of the scope of Section 224 altogether.

XI. CONCLUSION.

Based on the foregoing, the Commission should adopt a formula for the maximum pole attachment rates payable by telecommunications carriers and cable operators providing telecommunications services pursuant to Section 224(e) consistent with SBC's suggestions in this proceeding and in CS Docket No. 97-98.

Respectfully submitted,

SBC COMMUNICATIONS INC.

By Jonathan W. Royston

James D. Ellis  
Robert M. Lynch  
175 E. Houston, Room 1254  
San Antonio, Texas 78205  
(210) 351-3478

Lori L. Ortenstone  
525 B Street, Room 900  
San Diego, California 92101  
(619) 237-3329

ATTORNEYS FOR SBC  
COMMUNICATIONS INC.

Durward D. Dupre  
Mary W. Marks  
Jonathan W. Royston  
One Bell Center, Room 3520  
St. Louis, Missouri 63101  
(314) 235-2507

ATTORNEYS FOR SOUTHWESTERN BELL  
TELEPHONE COMPANY

October 21, 1997

EXHIBIT "A"

**I. Current CATV Formula:**  $(.0741)(\$45.61)(.909) = \$3.07$

**II. New Carrier Formula:**  $(.0741)(.36)(\$45.61)(.909) + [ (.67)(.64)(\$45.61)(.909)/N ]$

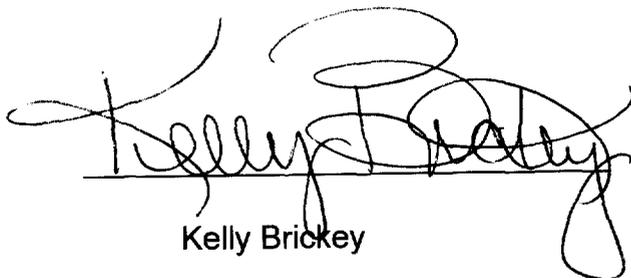
2 attachers:	\$1.106	+	$(\$17.78/2) =$	\$9.99	225%
3 attachers:	\$1.106	+	$(17.78/3) =$	\$7.03	129%
4 attachers:	\$1.106	+	$(17.78/4) =$	\$5.55	80%
5 attachers:	\$1.106	+	$(17.78/5) =$	\$4.66	51%

**III. SWBT's Non-Regulated Rates Applicable to Carriers Prior to 1996:**

Arkansas:	\$6.70
Kansas:	\$5.70
Missouri:	\$7.70
Oklahoma:	\$7.20
Texas:	\$5.30
5-state average:	\$6.52

**CERTIFICATE OF SERVICE**

I, Kelly Brickey, hereby certify that the foregoing "Reply Comments of SBC Communications Inc.", have been served on October 21, 1997, to the Parties of Record.



Kelly Brickey

October 21, 1997

BETSY L ANDERSON  
ATTORNEY FOR BELL ATLANTIC  
1320 NORTH COURT HOUSE ROAD  
EIGHTH FLOOR  
ARLINGTON VA 22201

ROBERT P SLEVIN  
ATTORNEY FOR NYNEX  
1095 AVENUE OF THE AMERICAS  
ROOM 3731  
NEW YORK NY 10036

DIANE C IGLESIAS  
SOUTHERN NEW ENGLAND TELEPHONE CO  
227 CHURCH STREET  
NEW HAVEN CT 06510

JAMES T HANNON  
US WEST INC  
JAMES T HANNON  
1020 19TH STREET NW  
SUITE 700  
WASHINGTON DC 20036

GERALD A FRIEDERICHS  
AMERITECH OPERATING COMPANIES  
30 S WACKER DRIVE  
39TH FLOOR  
CHICAGO IL 60606

WARD W WUESTE  
GAIL L POLIVY  
GTE SERVICE CORPORATION  
1850 M STREET NW  
SUITE 1200  
WASHINGTON DC 20036

R MICHAEL SENKOWSKI  
ROBERT J BUTLER  
BRYAN N TRAMONT  
GTE SERVICE CORPORATION  
WILEY REIN & FIELDING  
1776 K STREET NW  
WASHINGTON DC 20006

JAY C KEITHLEY  
SPRINT CORPORATION  
1850 M STREET NW  
SUITE 1110  
WASHINGTON DC 20036

JOSEPH P COWIN  
SPRINT CORPORATION  
P.O. BOX 11315  
KANSAS CITY MO 64112

DAVID N PORTER  
ANNE LA LENA  
WORLDCOM INC  
1120 CONNECTICUT AVE NW  
SUITE 400  
WASHINGTON DC 20036

CATHERINE R SLOAN  
RICHARD L FRUCHTERMAN  
RICHARD S WHITT  
WORLD COM INC  
1120 CONNECTICUT AVE NW  
SUITE 400  
WASHINGTON DC 20036

MARTIN F HESLIN  
CONSOLIDATED EDISON COMPANY  
OF NEW YORK  
4 IRVING PLACE  
NEW YORK NY 10003

DAVID L LAWSON  
SCOTT BOHANNON  
1722 EYE STREET NW  
WASHINGTON DC 20006

MARK C ROSENBLUM  
ROY E HOFFINGER  
CONNIE FORBES  
ROOM 3245G1  
295 NORTH MAPLE AVENUE  
BASKING RIDGE, NJ 07920

BELLSOUTH CORPORATION  
M ROBERT SUTHERLAND  
THEODORE R KINGSLEY  
SUITE 1700  
1155 PEACHTREE ST NE  
ATLANTA GA 30309-3610

TIME WARNER CABLE  
GARDNER F GILLESPIE  
CINDY D JACKSON  
HOGAN & HARTSON  
555 13TH STREET NW  
WASHINGTON DC 20004

EMILY M WILLIAMS  
ASSOC FOR LOCAL TELECOMM SVCS  
1200 19TH STREET NW  
WASHINGTON DC 20036

TELE-COMMUNICATIONS INC  
BRIAN CONBOY  
MICHAEL G JONES  
GUNNAR D HALLEY  
WILLKIE FARR & GALLAGHER  
THREE LAFAYETTE CENTRE  
1155 21ST STREET NW  
WASHINGTON DC 20036

MCI TELECOMMUNICATIONS  
LAWRENCE FENSTER  
1801 PENNSYLVANIA AVE NW  
WASHINGTON DC 20006

UNION ELECTRIC COMPANY  
WILLIAM J NIEHOFF  
1901 CHOUTEAU AVE  
ST. LOUIS MO 63166-6149