

**Before the  
Federal Communications Commission  
Washington, D.C.**

DOCKET FILE COPY ORIGINAL

**RECEIVED**

OCT 21 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

)

Implementation of Section 703(e) )

of the Telecommunications Act )

of 1996 )

CS Docket No. 97-151

)

Amendment of the Commission's )

Rules and Policies Governing )

Pole Attachments )

---

**REPLY COMMENTS OF AMERITECH**

---

Gerald A. Friederichs  
Attorney for Ameritech  
30 South Wacker Drive  
39th Floor  
Chicago, IL 60606  
312-750-5827

Dated: October 21, 1997

No. of Copies rec'd  
List ABCDE

0711

## TABLE OF CONTENTS

	<u>PAGE</u>
INTRODUCTION AND SUMMARY.....	1
I. THE COMMISSION'S POLICIES SHOULD INSURE THAT THE CONTEXT OF NEGOTIATED AGREEMENTS DO NOT HINDER FACILITIES BASED COMPETITION.....	2
II. THE COMMISSION SHOULD DETERMINE THAT INFORMATION AND INTERACTIVE SERVICES ARE SUBJECT TO THE REGULATIONS OF SECTION 224. ....	5
III. THE COMMISSION SHOULD CLARIFY THE EFFECTIVENESS AND EXTENT OF PRE-ACT STATE CERTIFICATIONS.....	6
IV. THE COMMISSION SHOULD DETERMINE THAT THE USE OF BRACKETS TO SUPPORT CABLE FACILITIES IS PRESUMPTIVELY ALLOWED.....	7
V. THE COMMISSION SHOULD MAKE REASONABLE PRESUMPTIONS REGARDING THE ATTACHMENTS OF CABLE TELEVISION SYSTEMS THAT ARE USED FOR TELECOMMUNICATIONS.....	8
VI. COMMENTS ON RIGHTS OF WAY ISSUES.....	9
A. THE COMMISSION SHOULD NOT INCLUDE ROOFTOPS AS RIGHTS-OF-WAY.....	9
B. UTILITIES SHOULD NOT BE REQUIRED TO EXERCISE TO RIGHTS-OF-WAY FOR TELECOMMUNICATIONS CARRIERS.....	10
C. THE COMMISSION SHOULD REJECT AT&T'S PROPOSED PRESUMPTIONS REGARDING COSTS OF RIGHTS-OF-WAY.....	11
CONCLUSION.....	13

**Before the  
Federal Communications Commission  
Washington, D.C.**

**RECEIVED**  
OCT 21 1997  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Implementation of Section 703(e) )  
of the Telecommunications Act )  
of 1996 ) CS Docket No. 97-151  
)  
Amendment of the Commission's )  
Rules and Policies Governing )  
Pole Attachments )

---

**REPLY COMMENTS OF AMERITECH**

---

**INTRODUCTION and SUMMARY**

On August 12, 1997, the Commission released its Notice of Proposed Rule Making ("Notice") regarding new rules with respect to the implementation of Section 703(e) of the Telecommunications Act of 1996 (the "Act"). The Notice also requested comment on a variety of other issues relating to pole attachment practices, the conduit rate formula and regarding a formula for attachments to rights-of-way. Initial comments from a number of parties have been filed in response to the Notice. Ameritech respectfully submits the following reply comments.

In these Reply Comments, Ameritech supports the view that the Commission's rules and policies should favor competitive neutrality and ease of entry for new competitors. The Commission should reject the notion that information services or two

---

way video services are not covered by Section 224 and should affirmatively state that such services are covered. The Commission should use this docket to state its position on the continuing effectiveness and extent of pre-Act certifications by states under Section 224(c)(3). A presumption that brackets are an acceptable attachment would facilitate cost effective construction of new networks. Ameritech proposes a presumption that cable television attachments subject to rates under Section 224(d) be converted to rates under Section 224(e) on a franchise wide basis when a cable television system offers telecommunications services in a given franchise. In rights-of-way issues, Ameritech requests that the Commission affirm its prior decision that utility rooftops are not rights-of-way subject to Section 224 but refrain from requiring that a utility must exercise its power of eminent domain to acquire new rights for attaching parties. Finally, the Commission should reject AT&T's proposed presumption regarding costs of rights-of-way in favor of the case-by-case approach recommended by most utilities.

**I. The Commission's Policies Should Insure That The Context of Negotiated Agreements Do Not Hinder Facilities Based Competition.**

In the Notice<sup>1</sup>, the Commission acknowledged that private negotiations are a predicate to Commission jurisdiction but recognized the difficulty of negotiations in which parties do not have equal bargaining power.

Virtually every electric utility strongly supported negotiated agreements.<sup>2</sup> Some electric utilities want the Commission to establish 180 days as the minimum negotiation

---

<sup>1</sup> Notice, Par. 12.

<sup>2</sup> Comments of American Electric Power Service Corporation, Commonwealth Edison Corporation, Duke Energy Corporation and Florida Power and Light Company (hereafter, the "Electric Utilities"), pp. 11-15; Comments of Duquesne Light Company, ("Dusquesne") pp. 6-8; Joint Comments of the Edison Electric

period before a complaint may be filed.<sup>3</sup> Others request the Commission establish that the non-discrimination principle of Section 224(f) does not require that rates, terms and conditions of attachments be equivalent for similar attaching parties.<sup>4</sup> Further, some electric utilities want the Commission to state that it is not necessarily a cause for complaint that the electric utility proposes a rate that exceeds the Commission's maximum by formula.<sup>5</sup>

The policy of the Act is to promote facilities based competition in telecommunications and cable television services. If that policy is to be fulfilled, providers must be able to efficiently build new plant. The primary concerns of new entrants are the speed of market entry and comparability of treatment between competing providers.

New entrants are limited in the options to support new networks. While some may find ways to avoid utility poles, conduit or rights-of-way in deploying new networks, many will rely on access to that structure to build competing networks. Existing pole, conduit and right-of-way facilities must be available as a practical matter because communities will simply not tolerate multiple conduit systems or, especially, multiple pole lines serving the same areas.

In the past, the Commission has supported policies and rules that recognize that poles, conduits and rights-of-way are a quasi-public infrastructure that should be a shared

---

Institute and UTC, the Telecommunications Association, ("EEI/UTC") pp. 5-7; Comments of the New York State Investor Owned Electric Utilities, pp. 6-7; Comments of Ohio Edison Company, ("Ohio Edison") pp. 6-11; Comments of Union Electric Company, pp. 5-11.

<sup>3</sup> Dusquesne, p. 18; EEI/UTC, p. 7.

<sup>4</sup> EEI/UTC, p. 6

<sup>5</sup> Dusquesne, p. 19; Ohio Edison, p. 17.

resource for all providers, administered in a competitively neutral fashion. Ameritech supports this approach because it will best fulfill the intent of the Act - to bring the benefits of competition to customers while insuring competitively neutral use of these facilities.

The positions advocated by the electric utilities will frustrate these ends by putting new entrants in the untenable position of having to accept either unreasonable and discriminatory terms and conditions or unreasonable delay in market entry. These are the very practices that the Commission has historically sought to prevent.

Accordingly, the Commission should reject the positions of the electric utilities and instead favor policies that require transparent maximum rate determinations, circumscribe permissible attachment practices and provide for expeditious resolution of complaints so that market entry is not delayed or frustrated. The Commission should reject the electric utilities' contention that a demand for an attachment rate in excess of the maximum rate is not a basis for complaint but should provide means to obtain an expeditious review when negotiations are unsuccessful.

Negotiations have a role when a party seeking attachments requests terms or conditions outside of a standard offering. ILECs make this standard offering in a statement or generally available terms or in publicly filed interconnection agreements. But there is no comparable requirement for electric utilities. Therefore, an attaching party does not have the information readily available to determine whether the party is obtaining non-discriminatory access under Section 224(f).

In the interest of competitive neutrality, each attaching party ought not to have to negotiate or rediscover the “norm” in each instance. To establish this norm or baseline of rates, terms and conditions, in addition to the rules and policies developed in the First Report and Order, the Commission where possible should make clear policy on other attachment practices brought to its attention. Further, as utilities make decisions on attachment proposals based on safety, reliability and general engineering practices, the utility should be required to make such decisions publicly available so all attaching parties will know a utility’s standards that have been applied to others.

**II. The Commission Should Determine That Information and Interactive Services Are Subject to the Regulations of Section 224.**

The Electric Utilities argue that information services or two-way video services are not subject to Section 224 and are therefore subject to negotiated, unregulated rates<sup>6</sup>. Of course, in the context of a monopolist controlling the poles to which the facilities that will deliver these services are attached, that means that the Electric Utilities intend to extract a monopoly rent for these services<sup>7</sup>. That will frustrate the provision of these services to customers, retard new entrants seeking to provide these services and greatly increase the cost of these services to customers. This is entirely contrary to the intent of the Act.

---

<sup>6</sup> Electric Utilities, pp. 6-11.

<sup>7</sup> Commonwealth Edison, one of the Electric Utilities, would charge Ameritech New Media, Inc., an Ameritech subsidiary with franchises to provide cable television services in many Chicago area communities, an attachment rate for services outside of cable television services in excess of three times the rate for attachment used for cable television services.

Regardless of whether the FCC decides that information services or two-way video services are “cable services” as argued by Comcast<sup>8</sup> or “telecommunications services” for purposes of the application of Section 224(e)<sup>9</sup>, the Commission should clearly and unequivocally state that all such services are services regulated under Section 224 and so fill any alleged lacuna in coverage that would only be exploited by electric utilities to the ultimate disadvantage of the customers of these services.

### **III. The Commission Should Clarify the Effectiveness and Extent of Pre-Act State Certifications.**

Ameritech supports the request of Omnipoint<sup>10</sup> that the Commission clarify the effectiveness and extent of certifications of states under Section 224(c)(3) made to the Commission prior to the Act. The Act extended the provisions of Section 224 to telecommunications carriers in addition to cable television systems, and slightly modified the requirements for state certification<sup>11</sup>. The effectiveness of state certifications made prior to the Act is uncertain due to the changed requirements. Further, the pre-Act certifications related only to the regulation of the attachments of cable television systems.

---

<sup>8</sup> Comments of Comcast Corporation, Charter Communication, Marcus Cable Operating Co., L.P., Rifkin & Associates, Greater Media, Inc., Texas Cable & Telecommunications Association, Cable Telecommunications Associations of Maryland, Delaware and District Columbia, and the Mid-America Cable TV Association, pp. 18-20.

<sup>9</sup> Although Ameritech acknowledges that, for the purposes of Section 224(e), such services likely should be classified as telecommunications services, Ameritech does not take any position regarding the classification of such services for any other purpose under any other section of the Communications Act of 1934.

<sup>10</sup> Comments of Omnipoint Communications, Inc., pp. 2-3.

<sup>11</sup> Sec. 224(c)(3)(B)

Whether these certifications extend to telecommunications carriers is uncertain. Because Section 224(c)(3) creates an “either/or” jurisdictional dichotomy, a utility and attaching party must know whether the Commission or a state has jurisdiction over attachments. It would be useful for the Commission to clarify whether it considers existing state certifications to be effective as to the attachments of telecommunications carriers and whether it considers those certifications to be of continuing effectiveness in light of the modifications to Section 224(c)(3).

#### **IV. The Commission Should Determine that the Use of Brackets to Support Cable Facilities is Presumptively Allowed.**

Ameritech supports the request of RCN Telecom Services<sup>12</sup> regarding standardization of communications brackets. Brackets can be used on poles to achieve NESC required separation of communications conductors to accommodate increased numbers of attachments without incurring the much greater expense of cable rearrangements and or pole replacements. While brackets have been successfully used in many locations for many years, a number of utilities still do not permit their use. Use of brackets on poles jointly owned by Ameritech and Commonwealth Edison in Illinois and by Ameritech and Detroit Edison in Michigan has belied any concerns related to safety, the primary objection of other utilities.

Brackets, like overlashing, are a cost effective modification to poles that can greatly expand pole capacity and so avoid unnecessary expense in the construction of new

---

<sup>12</sup> Comments of RCN Telecom Services, Inc., pp. 10-11.

facility based networks. In the interest of expediting deployment of facility based competition, the Commission should make a presumption in favor the use of brackets.

**V. The Commission Should Make Reasonable Presumptions Regarding The Attachments of Cable Television Systems that are Used for Telecommunications.**

Cable television systems that provide “pure” cable television services are subject to the rates prescribed in Section 224(d) whereas such systems that also provide telecommunications services should be subject to the higher rates under Section 224(e). However, the use of a cable television system for the provision of telecommunications services may not always be system-wide but may be limited by area or by customer. The question then arises as to how to apply the higher telecommunication rate in a fair manner given the limitations of record-keeping of pole attachments by the utility and telecommunications offerings of the cable television system.

Ameritech agrees with the National Cable Television Association (the “NCTA”) that a blanket conversion of all of a cable television systems’ attachments to the higher Section 224(e) rates when telecommunications services are offered on a limited basis would not be fair or appropriate. However, Ameritech does not support the NCTA’s suggested approach of multiplying total poles used by market penetration to determine the presumed number of poles to which the higher rate would apply<sup>13</sup>. NCTA’s proposal has a number of drawbacks. It depends upon the cable television system’s own representation of the number of subscribers using telecommunications services which may be difficult to verify or deliberately skewed. Moreover, the market penetration and number of poles

---

<sup>13</sup> Comments of the National Cable Television Association, pp. 22-24.

attached are moving targets, so rate fixing or adjustment will be burdensome for the utility to administer.

Ameritech suggests that a more reasonable presumption would be to charge rates on a franchise-by-franchise basis when a cable television system offers telecommunications services to subscribers in the municipality. Municipal boundaries align for purposes of utility record-keeping and cable television franchising. It is likely that cable television systems will upgrade plant and offer services on at least a franchise basis, as opposed to sub-areas of franchises. This proposal has the benefit of ease of application and promotes competitive neutrality among providers.

## **VI. Replies to Comments on Rights-of-Way Issues**

### **A. The Commission Should not Include Rooftops as Rights-of-Way.**

Teligent<sup>14</sup> and Winstar<sup>15</sup> request that the Commission extend the definition of rights-of-way to include utility rooftops. The Commission rejected this request in the First Report and Order<sup>16</sup> other than for wireless collocation for interconnection and should reject it again here. ILECs should not have to make their central offices available as “rights-of-way” when the specific and more limited access for collocation is mandated by statute. Access to central offices as a “right-of-way” would swallow up any distinction in access for collocation. ILECs do not control rooftops in other non-ILEC buildings in a

---

<sup>14</sup> Comments of Teligent, L.L.C., pp. 2-10.

<sup>15</sup> Comments of Winstar Communications, Inc., pp. 2-15.

<sup>16</sup> Par. 1185

---

manner that restricts the ability of any other carrier to negotiate an agreement with the building owner for use of rooftop. Rooftop space is not unique or limited. It is not of the long linear nature of rights-of-way for distribution cables which justify the need for attaching parties to “piggyback” on ILEC distribution facilities.<sup>17</sup> It cannot reasonably be considered to be an essential facility in the same fashion the Commission has determined poles or conduit to be. The Commission should reject this request.

**B. Utilities Should not be Required to Exercise Eminent Domain Authority to Acquire Access to Rights-of-Way for Telecommunications Carriers.**

In Paragraph 1181 of the First Report and Order, the Commission determined that a utility can be forced to use its power of eminent domain to acquire private rights-of-way interests for attaching parties. MCI requests that the Commission reconfirm this requirement.<sup>18</sup> Ameritech disagrees with MCI and requests that the Commission delete this requirement.

Expansion of a private right-of-way may be needed when the grant of the right of way, usually an easement, is not one that the utility can extend to a third party<sup>19</sup>, or, more rarely, where the easement is not wide enough to accommodate another attachment. In such instances, a utility could theoretically condemn an additional use or expanded easement if negotiations with the property owner are unsuccessful.

---

<sup>17</sup> First Report and Order, Par. 1185.

<sup>18</sup> MCI Comments, pp. 22-23.

<sup>19</sup> This varies with state common law. Many utility easements were acquired in the name of the utility only and do not give the utility the right to apportion or license the use of the easement to others. In some states, common law principles prohibit the subleasing of easements absent language in the easement permitting such apportionment.

Ameritech urges the Commission to delete the requirement that a utility exercise eminent domain for attaching parties. First, a utility is no better positioned than the attaching party to condemn the required right or easement. In all of the Ameritech region states, a certified telecommunications carrier has the same powers of condemnation as the Ameritech operating companies. In Ohio, this power extends even to cable television providers. Further, condemnation is a remedy of last resort for most utilities, even to the point of engineering networks around areas where easements are unobtainable through negotiations. This is because condemnation is time and resource consuming and especially because of the adverse reaction of the condemned party, typically a customer of the utility. A utility should not be put in the position of doing for others that which it generally chooses not to do for itself.

**C. The Commission Should Reject AT&T's Proposed Presumptions Regarding Costs of Rights-of-Way.**

In its comments<sup>20</sup>, AT&T requests that the Commission adopt a presumption that all costs of utility right-of-way have been fully recovered and that therefore attaching parties should pay only for direct and incremental costs for use of rights-of-way.

While it is true that many old easements for poles lines or for buried telecommunications facilities were acquired for nominal amounts and are likely depreciated that is decidedly not the case for newly acquired easements and especially for easements for equipment enclosures. Ameritech has experienced dramatically increased costs to obtain easements or leases for controlled environmental vaults, above ground equipment huts and equipment cabinets, and in some instances, for linear easements to

---

<sup>20</sup> Comments of AT&T Corp., pp. 17-19.

place cables. Ameritech must make all of these available as rights-of-way for use by attaching parties. However, it is unfair to consider these interests in the same category as pole line easements acquired many years ago. Moreover, some rights-of-way are acquired by lease or license that involve recurring costs and are not capitalized.

AT&T's request is clearly not supported by any evidence and would work an unfair result on the utility. The better approach is to treat each right-of-way request on a case by case basis with pricing to depend on the nature of right-of-way involved and the proposed use to be made by the attaching party.

**Conclusion.**

For the reasons stated above, Ameritech urges the Commission to adopt rules consistent with Ameritech's Initial Comments, these Reply Comments and Ameritech's Initial and Reply Comments in CS Docket No. 97-98.

Respectively submitted,



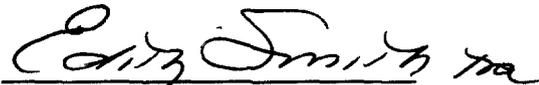
Gerald A. Friederichs  
Attorney for Ameritech  
30 South Wacker Drive, 39<sup>th</sup> Floor  
Chicago, IL 60606  
312-750-5827

Dated: October 21, 1997

**CERTIFICATE OF SERVICE**

I, Edith Smith, do hereby certify that a copy of Ameritech's Reply Comments has been served on the parties on the attached service list, via first class mail, postage prepaid, on this 21st day of October, 1997.

By:



Edith Smith

STEVEN J DEL COTTO  
DUQUESNE LIGHT COMPANY  
P O BOX 1930  
411 SEVENTH AVE 16-006  
PITTSBURGH PENNSYLVANIA 15230-1930

PAUL A GAUKLER  
NORMAN J FRY  
DUQUESNE LIGHT COMPANY  
SHAW PITTMAN POTTS &  
TROWBRIDGE  
2300 N STREET NW  
WASHINGTON DC 20037-1128

WALTER STEIMEL JR  
RICHARD E JONES  
THE ELECTRIC UTILITIES COALITION  
HUNTON & WILLIAMS  
SUITE 1200  
1900 K STREET NW  
WASHINGTON DC 20006

MARJORIE K CONNER  
RONNIE LONDON  
THE ELECTRIC UTILITIES COALITION  
HUNTON & WILLIAMS  
SUITE 1200  
1900 K STREET NW  
WASHINGTON DC 20006

JAMES D ELLIS  
ROBERT M LYNCH  
SBC COMMUNICATIONS INC  
ROOM 1254  
175 E HOUSTON  
SAN ANTONIO TX 78205

LORI L ORTENSTONE  
SBC COMMUNICATIONS INC  
ROOM 900  
525 B STREET  
SAN DIEGO CA 92101

DURWARD D DUPRE  
MARY W MARKS  
JONATHAN W ROYSTON  
SBC COMMUNICATIONS INC  
ROOM 3520  
ONE BELL CENTER  
ST LOUIS MISSOURI 63101

DAVID L SWANSON  
EDISON ELECTRIC INSTITUTE  
701 PENNSYLVANIA AVENUE  
WASHINGTON DC 20004

JEFFREY L SHELDON  
SEAN A STOKES  
UTC THE TELECOMMUNICATIONS  
ASSOCIATION  
SUITE 1140  
1140 CONNECTICUT AVENUE  
WASHINGTON DC 20036

HENRY GOLDBERG  
JONATHAN L WIENER  
W KENNETH FERREE  
TEXAS UTILITIES ELECTRIC COMPANY  
1229 NINETENTH STREET NW  
WASHINGTON DC 20036

NEIL ANDERSON ESQ  
DAVID H TAYLOR ESQ  
WORSHAM FORSYTHE & WOOLDRIDGE  
LLP  
30TH FLOOR  
1601 BRYAN  
DALLAS TEXAS 75201

STUART F FLEISCHMAN  
FLEISCHMAN & WALSH LLP  
1400 SIXTEENTH STREET NW  
WASHINGTON DC 20036

JAMES A HIRSHFIELD JR  
PRESIDENT  
SUMMIT COMMUNICATIONS INC  
SUITE 107  
3633 136TH PLACE SE  
BELLEVUE WASHINGTON 98006

DANIEL L BRENNER  
DAVID L NICOLL  
NATIONAL CABLE TELEVISION  
ASSOCIATION  
1724 MASSACHUSETTS AVENUE NW  
WASHINGTON DC 20036

LAWRENCE FENSTER  
MCI TELECOMMUNICATION  
CORPORATION  
1801 PENNSYLVANIA AVE NW  
WASHINGTON DC 20006

JOHN H ONEILL JR  
PAUL A GAUKLER  
NORMAN J FRY  
SHAW PITTMAN POTTS & TROWBRIDGE  
2300 N STREET NW  
WASHINGTON DC 20037-1128

WILLIAM NIEHOFF ESQ  
UNION ELECTRIC COMPANY  
1901 CHOUTEAU AVENUE  
P.O. BOX 66149 (M/C 1310)  
ST LOUIS MISSOURI 63166-6149

MARK J TAUBER  
MARK J OCONNOR  
OMNIPOINT COMMUNICATIONS INC  
SEVENTH FLOOR  
1200 19TH STREET NW  
WASHINGTON DC 20036

PAUL GLIST  
JOHN DAVIDSON THOMAS  
JAMES W TOMLINSON  
COMCAST CORPORATION  
SUITE 200  
1919 PENNSYLVANIA AVE NW  
WASHINGTON DC 20006

PHILIP L VERVEER  
GUNNAR D HALLEY  
MICHAEL F FINN  
WILLKIE FARR & GALLAGHER  
THREE LAFAYETTE CENTRE  
SUITE 300 1155 21ST STREET NW  
WASHINGTON DC 20036

LAURENCE E HARRIS  
DAVID TURETSKY  
TERRI NATOLI  
TELIGENT LLC  
SUITE 300  
11 CANAL CENTER PLAZA  
ALEXANDRIA VA 22314

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

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

MARK J TAUBER  
MARK J OCONNOR  
OMNIPOINT COMMUNICATIONS INC  
SEVENTH FLOOR  
1200 19TH STREET NW  
WASHINGTON DC 20036

PHILIP S SHAPIRO  
CHARLES B STOCKDALE  
CABLE TELEVISION &  
TELECOMMUNICATIONS ASSOCIATION  
OF NEW YORK INC.  
126 STATE STREET THIRD FLOOR  
ALBANY NEW YORK 12207

RUSSELL M BLAU  
GRACE R CHIU  
RCN TELECOM SERVICES INC  
SUITE 300  
3000 K STREET NW  
WASHINGTON DC 20007

JOSEPH WILSON #15306  
DEBRA GEIBIG #25114  
COLORADO SPRINGS UTILITIES  
P O BOX 240 SUITE 204  
104 SOUTH CASCADE  
COLORADO SPRINGS CO 80901

TRICIA BECKENRIDGE  
VICE PRESIDENT  
KMC TELECOM INC  
SUITE 305  
1580 SOUTH MILWAUKEE AVENUE  
LIBERTYVILLE IL 60048

BETSY L ROE  
BELL ATLANTIC TELEPHONE  
COMPANIES  
8TH FLOOR  
1320 NORTH COURT HOUSE ROAD  
ARLINGTON VA 22201

CINDY Z SCHONHAUT  
SENIOR VICE PRESIDENT  
ICG COMMUNICATIONS INC  
9605 E MAROON CIRCLE  
ENGLEWOOD COLORADO 80112

ALBERT H KRAMER  
DICKSTEIN MORIN SHAPIRO &  
OSHINSKY  
2101 L STREET NW  
WASHINGTON DC 20037-1526

MARK C ROSENBLUM  
ROY E HOFFINGER  
AT&T CORPORATION  
ROOM 3245G1  
295 NORTH MAPLE AVENUE  
BASKING RIDGE NEW JERSEY 07920

SETH GROSS  
CONNIE FORBES  
AT&T CORPORATION  
ROOM 3245G1  
295 NORTH MAPLE AVENUE  
BASKING RIDGE NEW JERSEY

DAVID L LAWSON  
SCOTT M BOHANNON  
AT&T  
1722 EYE STREET NW  
WASHINGTON DC 20006

MARY MCDERMOTT  
LINDA KENT  
U S TELEPHONE ASSOCIATION  
SUITE 600  
1401 H STREET NW  
WASHINGTON DC 20005

KEITH TOWNSEND  
HANCE HANEY  
U S TELEPHONE ASSOCIATION  
SUITE 600  
1401 H STREET NW  
WASHINGTON DC 20005

EDWARD N RIZER  
THE DAYTON POWER & LIGHT COMPANY  
P O BOX 8825  
DAYTON OHIO 45401

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

MARTIN F HESLIN ESQ  
NEW YORK STATE INVESTOR  
OWNED ELECTRIC UTILITIES  
4 IRVING PLACE  
NEW YORK NEW YORK 10003

JOHN H ONEILL JR  
PAUL A GAUKLER  
NORMAN J FRY  
SHAW PITTMAN POTTS & TROWBRIDGE  
2300 N STREET NW  
WASHINGTON DC 20037-1128

RICK C GIANNANTONIO ESQ  
JOHN F HAMILTON  
OHIO EDISON COMPANY  
76 SOUTH MAIN STREET  
AKRON OHIO 44308

JAY C KEITHLEY  
SPRINT CORPORATION  
SUITE 1100  
1850 M STREET NW  
WASHINGTON DC 20036

TIMOTHY GRAHAM  
ROBERT BERGER  
JOSEPH SANDRI JR  
WINSTAR COMMUNICATIONS INC  
SUITE 200  
1146 19TH STREET NW  
WASHINGTON DC 20036

SHIRLEY S FUJIMOTO  
CHRISTINE M GILL  
MCDERMOTT WILL & EMERY  
SUITE 500  
1850 K STREET  
WASHINGTON DC 20006

THOMAS J NAVIN  
CATHERINE M KRUPKA  
AMERICAN ELECTRIC POWER SERVICE  
CORPORATION  
MCDERMOTT WILL & EMERY  
1850 K STREET SUITE 500  
WASHINGTON DC 20006