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Dee May
Director, Federal Regulatory Affairs



January 27, 1998

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ex Parte

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, DC 20554

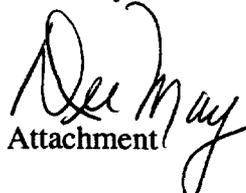
Re: Implementation of Section 703(e) of the Telecommunications Act of 1996:
Amendments of Rules and Policies Governing Pole Attachments, CS Docket No. 97-151

Dear Ms. Salas,

Bell Atlantic met with Ms. E. Beaty and Ms. A. Cunningham of the Cable Services Bureau today regarding the above proceeding. Representing Bell Atlantic were Ms. E. Anderson-Roe, Mr. J. White, Mr. A. Young and me. The attached document was used in the meeting. Please note that those issues pertaining to CS Docket No. 97-98 were not discussed at today's meeting.

Please feel free to contact me with any questions you may have.

Sincerely,


Attachment

- cc: Ms. Beaty
- Ms. Cunningham
- Ms. Esbin
- Ms. Jones

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Pole Attachment Proceeding

CS Dockets 97-98 and 97-151

Bell Atlantic Ex Parte

1/27/98

Rate Formulas For Poles and Conduit Should Use Gross, Rather Than Net, Book Costs

- ***Eliminate problem of negative net salvage values (pole rates)***
- ***Will simplify determination and administration of rates***
- ***Based on publicly available ARMIS data, reducing likelihood of rate disputes***
- ***Additional changes to the FCC's proposed rate formula, which improve accuracy, are detailed in Bell Atlantic's comments***

Usable Space

- ***40" safety space should be assigned to the electric co. as usable space***

- ***Commission should reject proposals to:***
 - » ***Exclude poles of 30' or less from the calculation***
 - » ***Increase presumptive pole height***
 - » ***Change the usable space presumption from 13.5' to 11'***
 - » ***Change 12" usable space presumption***

“Other Than Usable” Space

- ***ILECs Are Not Attaching Entities***
 - » ***Decision in Interconnection Order excludes ILECs from benefits of Sec. 224 as an attaching entity***
- ***3rd party overlashers count as “attaching entities” since they share the benefits of the “other than usable” space***
- ***Utilities should be allowed to develop presumptive number of attachers for determining rates***

“Other Than Usable” Conduit Space

- ***“Other than usable” space should be defined to include all spare or excess capacity not in use***
- ***“Other than usable” conduit costs can be determined by subtracting the costs associated with space utilized by the conduit owner and attaching entities from the total costs of the conduit facility***

Overlapping Entities Must Have A License Agreement With Facility Owner

- ***Only pole owner has right to grant access***
- ***Owner has obligations of liability & public safety***
- ***Facilitates billing & collection of 3rd party overlashers' share of the unusable costs***
- ***Ensures owner knows who needs advance notice of facility modifications***

“Dark Fiber”

- ***Attaching entities should be permitted to sublease dark fiber to 3rd parties***
- ***However, lease of dark fiber (or bandwidth within existing facilities) to an entity providing telecom services requires application of telecom rate***

Wireless Providers Are Entitled To Same Protections As Wireline Cable & Telecom Providers

- ***Sec. 224 applies to “any attachment by a ... provider of telecommunications service.”
Sec. 224(a)(4)***
- ***“Telecommunications service” is defined as “the offering of telecommunications for a fee directly to the public ... regardless of the facilities used.” 47 U.S.C. Sec. 3(46)***

Cablecos Lose Their Preferential Rate When Providing Telecom Services

- ***Lower attachment rates apply only when cablecos solely provide cable service***
- ***Transmission of any telecommunications services over their system -- including the transmission of information or other enhanced services for third parties -- requires application of the full telecom rate***