

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FILED

MAY 19 1998

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

COMMENTS AND OPPOSITION

BellSouth Corporation,¹ by counsel, on behalf of its affiliated entities, files these comments in support of the US WEST Petition for Reconsideration and Clarification and its opposition to the Petition of ICG Communications, Inc. ("ICG") for Reconsideration.

BellSouth generally supports the USTA and US WEST petitions seeking clarification of the *Report and Order* dealing with third party overlashing,² and specifically agrees with US WEST that advance notice to pole owners should be required of third parties prior to overlashing any existing pole attachments.³ Pole owners need this information in order to provide timely and appropriate notification to all attachers of pole change outs, relocations, safety violations, billing charges and other matters. Furthermore, the composite attachment weight should be calculated by the overlashing party and this information should be disclosed to the pole owner. If the

¹ BellSouth Corporation (BSC) is a publicly traded Georgia Corporation that holds the stock of, among other companies, BellSouth Telecommunications, Inc. (BST), a Bell operating company and local exchange carrier (LEC) that provides wireline telephone exchange service and exchange access service in parts of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. BST is a "utility" as defined at 47 U.S.C. § 224(a)(1).

² US WEST Petition at 2-4; USTA Petition at 11-12.

³ US WEST Petition at 4.

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composite weight calculations indicate that the overlash will place additional strain on the pole line, the pole owner must be compensated by such third party for any additional costs incurred to make the pole suitable for such additional joint use.

The Commission should deny ICG's request that it abandon its time-tested one foot usable space presumption in the pole attachment formula.⁴ The Blue Book does not, as ICG represents, actually support a usable space allocation of four inches. The Blue Book expressly requires that the clearance between communication cable supported on different suspension strands must be at least 12 inches at the pole. While an exception for 12" diagonal clearance is permitted where a power utility permits using both sides of the pole, and where all parties agree, this "exception" to the generally accepted sound engineering standard of requiring a 12" separation between facilities is not enough to change the presumption. Use of both sides of a pole is not always an option. In any event, the 4" vertical bolt hole spacing suggested by the Blue Book does not change the 12" minimum separation requirement between cables on the same side of a pole; if a third cable was attached to a pole on which two cables occupy opposite sides, 12" overall vertical spacing would be required between the third cable and the closest adjacent cable.

A one foot usable space presumption promotes the minimum structural integrity required for facility occupancy. Failure to maintain such integrity exposes the pole to unnecessary weakness and therefore jeopardizes structural integrity. But just as important as structural integrity is the actual separation space between cables. Cables must be sufficiently separated to provide adequate workspace and to prevent the cables from coming into contact. The possibility

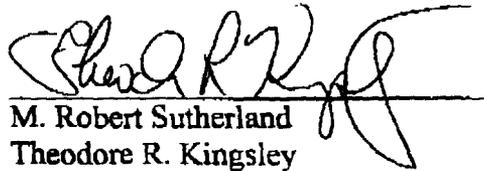
⁴ ICG Petition at 9-13. ICG offers no support for its statement that the Bellcore Blue Book Manual of Construction Procedures is "not the kind of generally accepted engineering standard that the Commission previously has stated must form the basis of pole attachment decisions." Id. at 9.

of third party overlashing further justifies the need for maintaining the one foot usable space presumption. Experience has shown that 12" of vertical clearance provides adequate workspace and usually prevents the cables from making contact in midspan when the size of the cables are different.⁵ In any event, the presumption is just that: a presumption. ICG is free to rebut the presumption if particular facts so warrant.

CONCLUSION

For the foregoing reasons, the Commission should grant US WEST's Petition for Reconsideration and Clarification and deny ICG Communications Inc. Petition for Reconsideration and Clarification.

Respectfully submitted,
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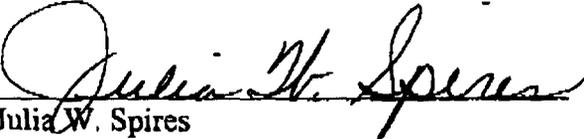
(404) 249-3392

Date: May 11, 1998

⁵ Bellcore, Blue Book – Manual of Construction Procedure, § 3.06 (Issue 2 1996).

CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of May 1998, serviced all parties to this action with the foregoing COMMENTS AND OPPOSITION, reference docket CC 97-151, by hand service or by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties as set forth on the attached service list.


Julia W. Spires