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November 5, 1998

**EX PARTE PRESENTATION**

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 - 12<sup>th</sup> Street, SW - TW-A325  
Washington, DC 20554

Re: CS Docket No. 97-151

Dear Ms. Roman Salas:

Today, the attached written ex parte presentation pertaining to the above-referenced proceeding was provided to Ms. Cheryl King, of the Cable Services Bureau, on behalf of the United States Telephone Association (USTA). Pursuant to Commission Rule 1.1206(b)(1), USTA hereby submits two copies of the written presentation to you for inclusion in the public record. Please contact me if you have questions.

Sincerely,

Lawrence E. Sarjeant  
Vice President Regulatory Affairs and General Counsel

cc: Cheryl King

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EX PARTE SUBMISSION OF THE UNITED STATES TELEPHONE ASSOCIATION  
CS Docket No. 97-151      Amendment of Commission's Rules and Policies  
Governing Pole Attachments

**The Problem:**

The Report and Order in CS Docket No. 97-151 states:

We will require each utility to develop, through the information it possesses, a presumptive average number of attaching entities on its poles based on location (urban, rural, urbanized) ... .  
[Para. 78]

[E]ach utility shall determine a presumptive average for its rural, urban and urbanized areas as defined by the United States Census Bureau.  
[Para. 77]

However, utilities do not possess information as to which poles are in each of the three Census Bureau areas. In order to determine these averages, a utility would be required to follow an extremely costly and burdensome process to create a database that would map its poles against the Census Bureau geographic areas, take a random statistical sample of the poles in each category, and make field visits to each of the selected poles. As SBC demonstrated in its September 25, 1998 ex parte presentation, this process would be extremely complicated primarily because of the amount of time required to map and categorize all of its poles in hundreds of wire centers in order to build a pole address/zone database. The mapping process itself would be an incredibly detailed and labor-intensive task because ILECs such as SBC would be required to manually map the boundaries of the Census Bureau areas on hundreds of detailed maps in each wire center. For instance, SBC provided the example of one out of 520 wire centers in Texas that has over 250 detailed maps that are not drawn to scale. There, SBC would be required to manually draw the irregular Census Bureau boundaries on each of these 250 maps just to build the database for one out of 520 wire centers. It would be required to repeat this task in each of the 520 wire centers. In some states, the mapping process and the field visits would likely cost more than half of the current annual pole revenue. USTA does not see any benefit to be conferred on anyone by such an undertaking.

**The Second-Best Solution:**

While USTA maintains that a state-wide average should be sufficient to satisfy Section 224 (given that state-wide figures are used for all of the other components of the formula), USTA urges the Commission to consider, at a minimum, the following proposal to simplify the determination of the average number of attaching entities.

First Instead of 3 categories, only 2 geographic zones would be used: **Urbanized Areas ("UAs")** and **Non-Urbanized Areas ("Non-UAs")**. Aside from making the process more manageable, this combination of zones is logical because "Urban Areas" that are outside of the "Urbanized Areas" are not distinguishable from the rural areas in terms of the expected number of attaching entities.

Generally speaking, the Census Bureau criteria for the 3 zones is as follows:

Urbanized Areas ("UAs") - closely settled area with a population of 50,000+.

Urban Areas - a place with at least 2,500 population.

Rural Areas - everything else, i.e., population less than 2,500.

Classifying all Census places with less than 50,000 population as one zone would not impede the FCC's goal of recognizing a difference between the expected number of attaching entities in urban and rural areas. All places outside of the UAs are essentially rural such as these small Texas towns :

Gainesville	1990 Population	14,256
Farmersville	1990 Population	2,640
Snyder	1990 Population	12,195

For example, as a result of this change, there would still be 47 UAs in Southwestern Bell Telephone Company's (SWBT) five-state territory.

Second Those utilities that have multiple "Serving Areas" in a state would be allowed to classify all poles in the entire Serving Area as either Urban or Rural based on whether all or any part of the Serving Area is within an Urbanized Area. That is, if Serving Area serves any portion of an Urbanized Area, then the Serving Area would be classified as Urban.

For telephone utilities, the Serving Area is the "wire center" which often serves a town or a section of a city. For example, in Texas, each of SWBT's 520 wire centers would be classified as either Urban or Rural depending upon whether the wire center boundaries cover any portion of an Urbanized Area. This would greatly simplify the process and save administrative costs because it would not be necessary for the telephone utility to categorize each of the poles in the wire center as Urban or Rural. Because pole records are kept in each wire center and the poles are managed based on their wire center location, this makes it easier to categorize and sample the poles.

USTA reiterates that it believes the use of a state-wide average is sufficient under 47 U.S.C. §224 for the purpose of arriving at a presumptive average number of attaching entities. It is also the best practical approach. In the event that a state-wide average is rejected, USTA believes that the above proposal is the next best alternative.