

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of

Amendment of Rules and Policies  
Governing Pole Attachments

CS Docket No. 97-98

**COMMENTS OF VERIZON<sup>1</sup>  
ON PETITIONS FOR RECONSIDERATION**

The Commission should reject the petitions of the power companies insofar as they ask the Commission to reconsider (1) the presumption that a cable in a conduit system occupies one half of a duct; and (2) the treatment of the 40 inch “safety space” on a pole as “usable” space. *See, e.g.*, American Electric Power, 11-12; United Telecom Council, 9-10. The power companies simply repeat arguments that the Commission thoroughly considered, and correctly rejected.<sup>2</sup>

The power companies argue that the Commission should assume that a single cable occupies an entire duct in a conduit system, since national safety standards preclude placement of a communications cable and a power cable in the same duct, unless they are operated by the same utility. However, as the Commission points out, this does not mean

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<sup>1</sup> The Verizon telephone companies (“Verizon”) are the affiliated local telephone companies of Bell Atlantic Corporation (including the telephone companies formerly affiliated with GTE Corp.), d/b/a Verizon Communications. A list of these companies is attached to this pleading.

that the communications cable excludes the power cable; rather, it is the power cable that effectively occupies the entire duct and precludes its use by another attacher. *See Report and Order*, ¶ 94. When a communications company places a cable in a duct system, there normally is room for at least another communications cable. Therefore, a communications company should be presumed to occupy no more than a half duct per attachment.

Similarly, the power companies' argument that the 40 inch "safety space" on a pole should be treated as "unusable space" is incorrect. That space is designed to minimize contact between employees working on cable or telecommunications attachments and the potentially lethal power lines. The placement of power cables on a pole effectively occupies this space by making it unusable by another attacher. For this reason, the Commission was correct in finding that this space should be treated as usable space that is occupied by the power company's facilities. *See Report and Order*, ¶ 22.

Verizon supports the United States Telecom Association's ("USTA's") petition for reconsideration. Verizon agrees that the Commission should modify its rate formula for pole attachments by cable companies (1) to include certain expense categories that provide administrative support for pole investment; and (2) to treat ducts that are reserved for maintenance activities or that are set aside for municipal use as "unusable space." Inclusion of those expense categories, such as network support and engineering expenses, is necessary to make the pole attachment rates compensatory. Likewise, treatment of ducts reserved for maintenance and municipal uses as "unusable space" in the rate formula

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<sup>2</sup> *See Amendment of Rules and Policies Governing Pole Attachments*, CS Docket No. 97-98, FCC 00-116, *Report and Order* (rel. Apr. 3, 2000), ¶¶ 20-22; 92-94 ("*Report and Order*").

is necessary to avoid short-changing the conduit owner, who does not receive any revenues for these ducts. The Commission also should adopt USTA's proposal to clarify the method of computing "net pole investment" for carriers that do not have the level of detail in their accounts that is assumed in the order. USTA's alternative method would provide a reasonable estimate of the amount of removal costs that should be excluded from the formula in order to calculate "net pole investment."

**Conclusion**

For the forgoing reasons, the Commission should reconsider and clarify the Report and Order as proposed by USTA, and it should reject the power companies' petitions for reconsideration to the extent discussed herein.

Respectfully submitted,

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The Verizon telephone companies are the affiliated local telephone companies of Bell Atlantic Corporation (d/b/a Verizon Communications), including the telephone companies formerly affiliated with GTE Corporation. These are:

- Bell Atlantic-Delaware, Inc.
- Bell Atlantic-Maryland, Inc.
- Bell Atlantic-New Jersey, Inc.
- Bell Atlantic-Pennsylvania, Inc.
- Bell Atlantic-Virginia, Inc.
- Bell Atlantic-Washington, D.C., Inc.
- Bell Atlantic-West Virginia, Inc.
- Contel of Minnesota, Inc.
- Contel of the South, Inc.
- GTE Alaska Incorporated
- GTE Arkansas Incorporated
- GTE California Incorporated
- GTE Midwest Incorporated
- GTE Southwest Incorporated
- The Micronesian Telecommunications Corporation
- New England Telephone and Telegraph Company
- New York Telephone Company
- Verizon Florida Inc.
- Verizon Hawaii Inc.
- Verizon North Inc.
- Verizon Northwest Inc.
- Verizon South Inc.
- Verizon West Coast