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Washington, D.C.

Christine M. Gill
Attorney at Law
cgill@mwe.com
202-756-8283

MCDERMOTT, WILL & EMERY

July 25, 2001

VIA MESSENGER

Ms. Magalie R. Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CS Docket No. 97-98, *In the Matter of Amendment of Commission's Rules and Policies Governing Pole Attachments and CS Docket No. 97-151, In the Matter of Implementation of Section 703(e) of the Telecommunications Act of 1996; Consolidated Partial Order on Reconsideration (released May 25, 2001)*

Dear Ms. Salas:

We are writing to clarify an error that appears in the above-referenced Consolidated Partial Order on Reconsideration.

On February 15, 2001, Christine M. Gill and Thomas P. Steindler, counsel for American Electric Power Services Corporation, Commonwealth Edison Company and Duke Energy Corporation, met with Kathleen Costello and Sherille Ismail of the Cable Services Bureau with regard to CS Docket No. 97-98 (the "Fee Proceeding"). During the meeting, Ms. Gill and Mr. Steindler discussed their clients' position that the FCC should consider a methodology for determining a just compensation rate for pole attachments. They provided Mr. Ismail and Ms. Costello with a copy of a report by Christopher M. James (William H. Dial/SunBank Eminent Scholar in Finance, University of Florida) which sets out a methodology for determining just compensation for pole attachments ("James Report") and a memorandum on just compensation law. Another copy of the James Report and the memorandum were filed with the Secretary's office, together with our *ex parte* notification letter, for inclusion in the record.

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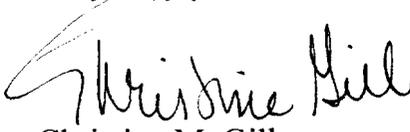
Ms. Magalie R. Salas
July 25, 2001
Page 2

Footnote 66 on page 10 of the above-referenced Consolidated Partial Order on Reconsideration references the *ex parte* legal memorandum presented to the Commission on February 15, 2001, but does not mention the James Report, which was filed at the same time. Footnote 86 on page 12 states *incorrectly* that the Commission has not received the report which American Electric Services Corporation, *et al*, referred to in their Comments in this proceeding.

We are enclosing a date-stamped copy of our *ex parte* letter as evidence that the James Report was filed with the Commission on February 15, 2001 for inclusion in the record in the Fee Proceeding. Additionally, we are enclosing a record printed from the Commission's Electronic Comment Filing System database, which verifies that we filed on behalf of American Electric Power Services Corporation, *et al*, this 188-page document in Docket 97-98 on February 15, 2001. The record provides links to the document.

If you have any questions concerning this matter, please do not hesitate to contact the undersigned.

Very truly yours,



Christine M. Gill

Enclosures

cc: Kathleen Costello
Sherille Ismail

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600 13th Street, N.W.
Washington, D.C. 20005-3096
202-756-8000
Facsimile 202-756-8087
www.mwe.com

Christine M. Gill
Attorney at Law
cgill@mwe.com
202-756-8283

MCDERMOTT, WILL & EMERY

February 15, 2001

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: *Ex Parte* Presentation; CS Docket No. 97-98, Amendment of Rules and
Policies Governing Pole Attachments**

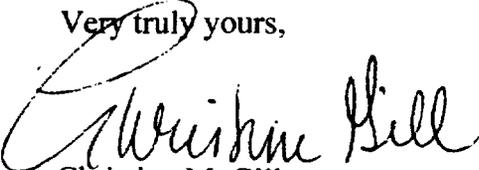
Dear Ms. Salas:

This is to notify the Secretary that Christine M. Gill and Thomas P. Steindler, counsel for American Electric Power Services Corporation, Commonwealth Edison Company and Duke Energy Corporation, met today with Kathleen Costello and Sherille Ismail of the Cable Services Bureau to discuss just compensation case law and market rate methodology in connection with the FCC's consideration of pole attachment issues in the above-referenced proceeding. Mr. Ismail and Ms. Costello were provided with a copy of a report by Christopher M. James (William H. Dial/SunBank Eminent Scholar in Finance, University of Florida), which sets out a methodology for determining just compensation for pole attachments. A copy of the report is submitted herewith for the record in this proceeding.

Also attached for inclusion in the record is a memorandum which addresses the just compensation case law.

Pursuant to the FCC's *ex parte* rules, an original and a copy of this letter and attachments are submitted for the record in this proceeding.

Very truly yours,


Christine M. Gill

Enclosures

cc: Kathleen Costello
Sherille Ismail

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**1 Record(s) Found For Proceeding:97-98
1 Contains Document(s)**

Proceeding 97-98	Type Code: NO	Date Received: 02/15/01
File Number:	Submission Type: NOTICE	Total Pages: 188
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Filed By: McDermott, Will & Emery		
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