

WC 10-701



STATE OF LOUISIANA

Public Service Commission

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John P. Schwegmann
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Louis J. Lambert, Jr.
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Don Owen

March 8, 1985

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ENFORCEMENT DIVISION

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APR 26 2010

Federal Communications Commission
Office of the Secretary

Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20554

Gentlemen:

Enclosed please find a copy of this Commission's
General Order dealing with rules and regulations implementing
regulatory authority over pole attachments.

Very truly yours,

Louis S. Quinn
Secretary

LSQ/jeh

enclosure

cc: Mr. J. Wayne Anderson

LOUISIANA PUBLIC SERVICE COMMISSION

GENERAL ORDER

In re: Rules and regulations implementing regulatory authority over pole attachments.

In response to a petition for rule making filed by South Central Bell Telephone Company, and in light of amendments to 47 U.S.C. Section 224(c), to become effective December 28, 1984, the Commission at its meeting on December 17, 1984 reaffirmed its previously adopted orders and regulations implementing its existing authority over pole attachments and conduit occupancy within the State of Louisiana between public utilities operating in the State of Louisiana and cable television operators. In promulgating these rules, the Commission has considered the interest of subscribers of cable television services, subscribers of utility services, and cable television operators as well as the interests of public utility companies.

In the past, cable television operators have entered into independent contracts with public utility companies for the use of pole attachment and conduit space. It is the opinion of the Commission that it is in the public interest and in the interest of subscribers of cable television services and subscribers of utility services that utility and cable television operators continue jointly to use poles and conduit to reduce costs and to prevent duplication of these structures. The Commission believes that continuation of this practice will serve to allocate the costs of installing and maintaining utility poles and conduits between public utilities and cable television operators, which costs are ultimately incurred by the subscribers of these services. The Commission believes that the contract procedure outlined above subject to Commission orders and regulations may continue to be used but, should a regulated public utility file tariffs regulating pole attachments and/or conduit occupancy, the Commission shall then review said tariffs and provide for by applicable statutes, Commission orders and regulations, and rules of practice and procedure with proper notice and opportunity to be heard given to all interested parties.

In order to best protect the interests of public utilities, cable television operators, and the subscribers of these services, and in order to foster joint use of utility poles and conduit, the Commission believes that any interested party should be entitled to file a complaint concerning the rates, terms and conditions of pole attachment or conduit occupancy agreements, or with respect to any individual matter, and the Commission will take timely final action on any such complaint so filed.

IT IS ORDERED THAT:

1. The rates charged public utilities or cable television operators for pole attachment space on utility poles and in conduit owned by public utilities shall, in general, be established by independent contracts entered into between the cable television operators and public utilities subject to Commission orders and regulations pertaining thereto or by tariffs filed by said utility and accepted by the Commission after proper notice and opportunity to be heard by all interested parties.

2. Any interested party may file a complaint for the purpose of determining the rates, terms and conditions of pole attachment and conduit occupancy agreements, or with respect to any individual matter, pursuant to the Rules of Practice and Procedure promulgated by the Louisiana Public Service Commission and available from the body, and that timely final action will be taken on any such complaint so filed.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
December 17, 1984

/s/ George J. Ackel
C H A I R M A N

/s/ John F. Schwegmann
V I C E C H A I R M A N

/s/ Ed Kennon
C O M M I S S I O N E R

/s/ Louis J. Lambert
C O M M I S S I O N E R

Paul S. Durn
S E C R E T A R Y

/s/ Thomas E. Powell
C O M M I S S I O N E R