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POLE ATTACHMENT
BRANCH

INDIANAPOLIS 46204

STATE OF INDIANA

PUBLIC SERVICE COMMISSION
901 STATE OFFICE BUILDING



September 21, 1979

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FILED/ACCEPTED

APR 26 2010

Federal Communications Commission
Office of the Secretary

FEDERAL COMMUNICATIONS COMMISSION
Common Carrier Bureau
1919 M Street, N.W.
Washington, D.C. 20554

ATTN: Mrs. Shirley, Cable Bureau

Dear Mrs. Shirley:

We have noted in your Public Notice dated June 7, 1979, a copy of which is attached, that you removed the state of Indiana from the list of those states certified as asserting jurisdiction over cable TV pole attachments by reason of a temporary writ of prohibition issued by the Superior Court of Marion County on May 7, 1979 in Cause No. S379-0527. Please be advised that following venue of this cause of action to the Johnson Circuit Court in Indiana, which then assigned its Cause No. 29, 688 to the proceeding, the Court sustained a motion filed on behalf of this Commission to dismiss the proceedings. The cause was thereby dismissed and the temporary writ of prohibition dissolved along with it. A copy of the Official Notice of this action from the Johnson Circuit Court is enclosed for your records.

I don't know by what authority or at whose request you deleted the state of Indiana from your list of those states asserting jurisdiction over cable TV pole attachments without first consulting this Commission with regard to the validity of its certification previously submitted, but in any event I would certainly trust that pursuant to this letter you will replace the state of Indiana on your list of states whose assertion of jurisdiction over cable TV pole attachments preempts the FCC from excepting pole attachment complaints under Subpart J of Part 1 of your Commission's rules on cable television pole attachments.

Respectfully yours,

Larry J. Wallace
Chairman

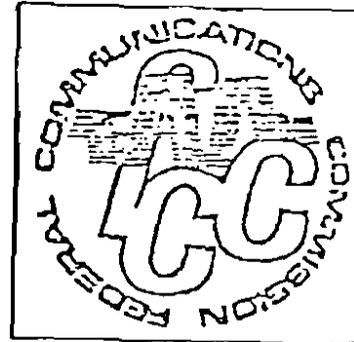
gk

cc: William J. Tricarico, Secretary
Federal Communications Commission

Enclosures

PUBLIC NOTICE

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



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For general information
call 632-7260

June 7, 1979 - CC

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POLE ATTACHMENTS

Pursuant to Section 1.1414(b) of the Commission's Rules on cable television pole attachments, the following States* have certified that they regulate terms, rates, and conditions for pole attachments, and, in so regulating, have the authority to consider and do consider the interests of subscribers of cable television services, as well as the interests of the consumers of the utility services.

(Certification by a State preempts the FCC from accepting pole attachments complaints under Subpart J of Part 1 of the Rules.)

Alaska	Nevada
California	New Jersey
Connecticut	New York
Florida	Pennsylvania
Hawaii	Puerto Rico
Illinois	Vermont
Louisiana	Wisconsin
Massachusetts	

By Temporary Writ of Prohibition issued by the Superior Court of Marion County on May 7, 1979 (Cause No. S379-0527), the Public Service Commission of Indiana has been directed to refrain from exercising jurisdiction over pole attachment matters and ordered to show cause why it should not be permanently so restrained. Accordingly, pending resolution of the issue of jurisdiction in its courts, Indiana has been removed from the above list of States.

* "State", by Section 1.1402(g) of the Rules, means any State, territory, or possession of the United States, the District of Columbia, or any political subdivision, agency, or instrumentality thereof.

(This Public Notice supercedes the Public Notice of May 21, 1979.)

OFFICIAL NOTICE

JOHNSON CIRCUIT COURT
FRANKLIN, INDIANA

July 23, 19 79

MR. ROBERT B. WENTE
Deputy Attorney General
219 State House
Indianapolis, Indiana 46204

No. 29,688

IN RE: State of Indiana Ex. Rel.
Cable Brazil, Inc. vs The Public
Service Commission of Indiana,
et al

Come now the parties by counsel for argument on Defendant Public Service Commission's Motion To Dismiss. Argument had. The Court now being duly advised now sustains Defendant Public Service Commission's Motion To Dismiss and this cause is now ordered dismissed.

Plaintiff, by counsel, files Memorandum In Opposition To Defendant's Motion To Dismiss.

cc: Mr. R.M Gholston

Respectfully yours,

LARRY J. MCKINNEY

Judge Johnson Circuit Court