

WC 10-101

IDAHO PUBLIC UTILITIES COMMISSION

STATEHOUSE
80ISE, IDAHO 83720
334-3143



PERRY SWISHER, *President*
CONLEY WARD, JR., *Commissioner*
RICHARD S. HIGH, *Commissioner*

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APR 26 2010

Federal Communications Commission
Office of the Secretary

JOHN V. EVANS
Governor

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MAY 24 1985

ENFORCEMENT DIVISION

DOCKET FILE COPY ORIGINAL

May 21, 1985

Federal Communications Commission
Attn: Margaret Wood, Esq.
Room 6206
1919 M Street, N.W.
Washington, D.C. 20554

Dear Ms. Wood:

This is to certify that the Idaho Public Utilities Commission has issued and made effective Rules and Regulations implementing Idaho's regulatory authority over cable pole attachments. For your reference I have attached a copy of the Idaho Commission's Rules and Regulations pertaining to cable pole attachments. You will note that Idaho's Rules and Regulations include a specific methodology for such regulation in that they incorporate the Commission's Rules of Practice and Procedure (also attached) and that said methodology has been made public by the Idaho Commission.

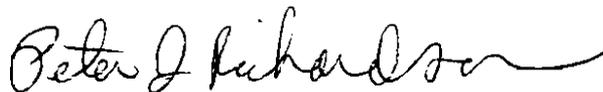
Ms. Wood, you stated to me in our telephone conversation of May 20, 1985, that the Idaho Commission's incorporation of its Rules of Practice and Procedure into its rules dealing with cable pole attachments satisfies the requirement that the Idaho Commission have a "specific methodology" for such regulation. However, in the event that what is meant by "specific methodology" is that the Idaho Commission has actually set the rates and terms for cable pole attachments I have enclosed a copy of Commission Order No. 19229 dated November 7, 1985. In the case that spawned Order No. 19229 the Idaho Commission, in a public proceeding, actually settled a controversy between several cable television companies the Idaho Cable Television Association and the Washington Water Power Company on the terms and conditions of cable pole attachments.

Federal Communications Commission
May 21, 1985
Page 2

It is my understanding that this letter of certification is the final step in the process necessary for the Federal Communications Commission to retain Idaho on its list of states regulating cable pole attachment rates, terms and conditions.

If my understanding is not correct, would you please contact me at your earliest convenience.

Sincerely,



Peter J. Richardson
Deputy Attorney General

pr/cc/153J

Enclosures

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APR 5 - 1985

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ENFORCEMENT DIVISION

Federal Communications Commission
Office of the Secretary

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PROMULGA-)
TION OF RULES AND REGULATIONS)
GOVERNING CONSIDERATION OF PRO-)
CEEDINGS TO SET CABLE POLE AT-)
TACHMENT RATES AS REQUIRED BY THE)
CABLE COMMUNICATIONS POLICY ACT)
OF 1984.)

CASE NO. P-300-31

GENERAL ORDER NO. 168

By this Order we adopt permanent rules and regulations establishing a procedure for consideration of proceedings to establish rates, terms and conditions for cable pole attachments. These rules became effective on an emergency basis on January 15, 1985. By this Order we adopt these rules on a permanent basis. The background for our adoption of these rules is set out in Commission Order 19380 and will not be repeated here.

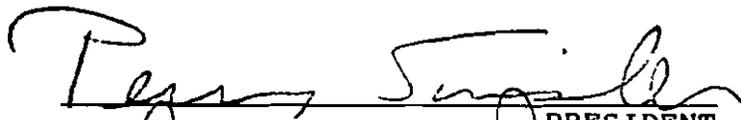
The Commission received only two responses to our request for written comments regarding the permanent adoption these of rules. In its Response dated January 25, 1985, Idaho Power Company noted that, "The proposed Rules and Regulations will provide an effective framework for cable pole attachment complaints filed under Section 61-528 *Idaho Code*, is in compliance with public law 98-549, and the Company concurs in and supports adoption of the Rules." The only other respondent, General Telephone Company of the Northwest, Inc. also favored adoption of the proposed Rules on a permanent basis.

IT IS THEREFORE ORDERED that Rules and Regulations Establishing Procedure for Consideration of Proceedings to Establish

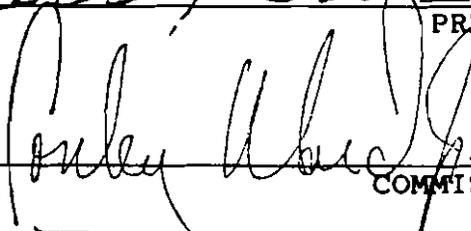
Rates, Terms or Conditions for Cable Pole Attachments, also identified as IDAPA. 31.J, be adopted as permanent rules effective May 1, 1985.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. P-300-31 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. P-300-31. Within seven (7) days after any person has petitioned for reconsideration, any other person may crosspetition for reconsideration. See *Idaho Code* §61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 28th day of April, 1985.



PRESIDENT



COMMISSIONER



COMMISSIONER

ATTEST:



SECRETARY

pr/vs/14L

**RULES AND REGULATIONS ESTABLISHING PROCEDURE
FOR CONSIDERATION OF PROCEEDINGS TO
ESTABLISH RATES, TERMS OR CONDITIONS
FOR CABLE POLE ATTACHMENTS**

1. Whenever a public utility and a cable television company are unable to agree upon the rates, terms or conditions for pole attachments or the terms, conditions or cost of production of space needed for pole attachments, and either the public utility or the cable television company files an application, complaint or petition asking the Commission to establish and regulate the rates, terms and conditions, the Commission shall decide the case within 30 days; provided, the Commission shall have the right, upon reasonable notice, to enter upon a hearing concerning the propriety of such proposed rate, term or condition and to extend its period for considering the application, complaint, or petition an additional 30 days plus 5 months and, for good cause shown on the record, an additional 60 days.

2. The Commission's Rules of Practice and Procedure, IDAPA 31.A, shall apply to all proceedings concerning the rates, terms or conditions for cable pole attachments, provided, that any such proceeding, whether denominated in application, complaint or petition, shall be processed according to the timetable of Rule 1 above.

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RULES

OF

Practice and Procedure

OF THE

IDAHO

PUBLIC UTILITIES

COMMISSION



Effective July 1, 1984

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APR 5 - 1985

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FILED/ACCEPTED

APR 26 2010

Federal Communications Commission
Office of the Secretary

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION ENFORCEMENT DIVISION

IN THE MATTER OF THE PROMULGA-)
TION OF RULES AND REGULATIONS)
GOVERNING CONSIDERATION OF PRO-)
CEEDINGS TO SET CABLE POLE AT-)
TACHMENT RATES AS REQUIRED BY THE)
CABLE COMMUNICATIONS POLICY ACT)
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The Commission received only two responses to our request for written comments regarding the permanent adoption these of rules. In its Response dated January 25, 1985, Idaho Power Company noted that, "The proposed Rules and Regulations will provide an effective framework for cable pole attachment complaints filed under Section 61-528 *Idaho Code*, is in compliance with public law 98-549, and the Company concurs in and supports adoption of the Rules." The only other respondent, General Telephone Company of the Northwest, Inc. also favored adoption of the proposed Rules on a permanent basis.

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PROMULGATION)	CASE NO. P-300-31
OF RULES AND REGULATIONS GOVERNING)	
CONSIDERATION OF PROCEEDINGS TO)	COMMENTS OF GENERAL TELEPHONE
SET CABLE POLE ATTACHMENT RATES)	COMPANY OF THE NORTHWEST, INC.
AS REQUIRED BY THE CABLE COMMUNI-)	
CATIONS POLICY ACT OF 1984 . . .)	

Pursuant to Order No. 19380, General Telephone Company of the Northwest, Inc. ("GTNW") submits its comments with respect to the proposed permanent rules attached as "Appendix A" to the order.

GTNW favors the proposed rules, but suggests they be broadened so as to include all disputes relating to pole attachments, not only those between telephone utilities and cable television companies.

GENERAL TELEPHONE COMPANY OF THE
NORTHWEST, INC.

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FEB 25 1985

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/s/

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MAY 13 1985

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ENFORCEMENT DIVISION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PROMULGATION)
OF RULES OF PRACTICE AND)
PROCEDURE OF THE IDAHO PUBLIC)
UTILITIES COMMISSION)

CASE NO. P-300-25
COMMENTS OF GENERAL TELEPHONE
COMPANY OF THE NORTHWEST, INC.

Pursuant to Order No. 19575 in the above-captioned action, General Telephone Company of the Northwest, Inc. ("GTNW") submits its comments regarding the proposed amendments to the Idaho Public Utilities Commission's Rules of Practice and Procedure.

1. Rule 16

Because awards of intervenor funding are chargeable to the class of customers represented by the intervenor, it appears advisable to modify the existing proposal to ensure that an accurate allocation of expenses is made. GTNW suggests that Proposed Rule 16.1(a) be modified to include language requiring that the itemized list of expenses indicate, with respect to each expense, the class of customers on whose behalf the expense was incurred.

Further, it seems advisable to modify Proposed Rule 16.3 so that the Commission's order which awards intervenor funding includes a specific finding regarding the class of customers to whom each award, or portion thereof, of intervenor funding shall be chargeable.

GTNW concurs completely with the comments of Utah Power and Light Company concerning Rules 16.1 and 16.3.

2. Rule 25.5

GTNW concurs with the comments of Utah Power and Light regarding the proposed amendment to this rule. The proposed amendment is not consistent with the Idaho Supreme Court's decision in Application of Utah Power and Light Co., 690 P.2d 901 (1984). If the Commission chooses to take notice of matters which it considers common knowledge, or other matters judicially noticeable, it must provide parties an opportunity to respond to or to refute the matters proposed to be noticed. GTNW believes that the proposed language of Utah Power and Light Company should be adopted.

Respectfully submitted,

GENERAL TELEPHONE COMPANY OF THE
NORTHWEST, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of May, 1985, I served true copies of the Comments of General Telephone Company of the Northwest, Inc. by causing a copy to be mailed, postage prepaid, to each person listed below at their office address listed below.

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