

APR 18 1996

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

TCI CABLEVISION OF	)	DOCKET NO. UT-950806
WASHINGTON, INC.,	)	
	)	
Complainant,	)	COMMISSION DECISION AND
	)	ORDER AFFIRMING AND
v.	)	ADOPTING THIRD
	)	SUPPLEMENTAL ORDER
U S WEST COMMUNICATIONS, INC.	)	DISMISSING COMPLAINT
	)	
Respondent.	)	
.....	)	

On January 9, 1996, Administrative Law Judge Marjorie R. Schaer entered a Third Supplemental Order in this matter which was served on all parties of record. The order dismissed the complaint by TCI Cablevision of Washington, Inc. (TCI), against U S WEST Communications, Inc. (USWC). The USWC counterclaim against TCI was also dismissed.

On January 29, 1996, TCI filed with the Commission a document entitled Petition of TCI for Rehearing of Third Supplemental Order. Because the Third Supplemental Order is an initial order, the petition was treated as a petition for administrative review under WAC 480-09-780. Other parties were given leave to file answers to the petition within ten days.

On February 5, 1996, USWC served notice by letter that it did not intend to file a formal answer to the pleading. USWC stated that it had no objection to the proposed changes, but noted that they did not affect the meaning or intent of the initial order. No other party filed answers.

TCI is concerned that the language in the Third Supplemental Order could be interpreted as an affirmative limitation on TCI's remedies in the future, should it seek to raise issues regarding its current pole attachment relationship with USWC, or other more general pole attachment issues.

Having reviewed the Third Supplemental Order and the petition for administrative review the Commission concludes that TCI's concern does not warrant modification of the Third Supplemental Order. The order does not constitute an affirmative limitation on TCI's remedies as to future pole attachment issues. Rather, the language is generally descriptive of the matters discussed at the conference. The operative language is contained in the ordering paragraph dismissing the complaint and counterclaim. The Commission will adopt the Third Supplemental Order.

**ORDER**

THE COMMISSION ORDERS That the Third Supplemental Order Dismissing Complaint is affirmed and adopted for purpose of this proceeding. In so doing,


THE COMMISSION FURTHER ORDERS That the formal complaint by TCI Cablevision of Washington, Inc. against U S WEST Communications, Inc. is dismissed. The counterclaim by U S WEST Communications, Inc. against TCI Cablevision of Washington, Inc. is dismissed. This docket is closed.

DATED at Olympia, Washington, and effective this/ <sup>7<sup>th</sup></sup> day of April 1996.

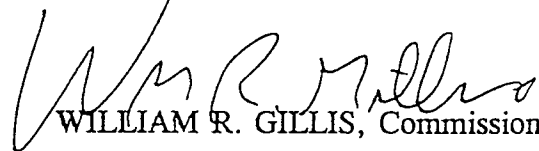
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



SHARON L. NELSON, Chairman



RICHARD HEMSTAD, Commissioner



WILLIAM R. GILLIS, Commissioner

**NOTICE TO PARTIES:**

**This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).**