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STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 753-6423 • TTY (360) 586-8203

March 31, 1998

**NOTICE OF OPPORTUNITY TO FILE COMMENTS**

(April 27, 1998)

Re: Notice of Preproposal Statement of Intent (CR-101)  
Docket UT-970723

TO ALL INTERESTED PERSONS:

On April 28, 1997, TCI Cablevision of Washington, Inc., filed a petition to Adopt Rules, Regulations and Procedures Regarding Attachments to Transmission Facilities. On August 27, 1997, the Commission filed with the Code Reviser a Preproposal Statement of Intent (CR-101), Docket No. UT-970723, noticing its intention to explore through rule making the adoption of a methodology for determining of just and reasonable rates for attachments to transmission facilities. The Commission requested interested persons comment on the CR-101 no later than November 10, 1997; the Commission received written comments from seven persons. On December 3, 1997, the Commission convened a workshop to discuss with industry participants the need to address this subject through rule making. The participants sought further clarification from the Commission on the subject matter and the scope of a possible rule on this subject. On December 15, 1997, the Commission invited interested persons to augment their original comments by January 15, 1998.

The FCC released its Report and Order in CS Docket No.97-151, In the Matter of Implementation of Section 703(e) of the Telecommunications Act of 1996, Amendment of the Commission's (FCC) Rules and Policies Governing Pole Attachments on February 6, 1998. Please see the attached APPENDIX A of the Revised FCC Rules for reference.

Commission Staff is generally inclined to accept the FCC methodology. However, Staff is inclined to adopt a "flash cut" rather than the FCC's five year transition schedule contemplated in its rules. Staff notes that historical embedded costs are ordered in the FCC rule, and Staff agrees with historical rather than forward-looking cost allocation. Staff tends to agree with both the FCC (paragraph 9) and the majority of comments in the instant rule making proceeding for negotiated contracts as the primary means of setting attachment rates.



Docket No. UT-970723  
March 31, 1998  
Page 2

**NOTICE IS GIVEN OF THE OPPORTUNITY to file additional comments. The Commission asks that comments focus on aspects of the February 2, 1998 FCC rule not addressed in their earlier comments, including paragraph 9 mentioned above, and any further issues which may be relevant in light of the FCC rule. Comments must be received by the Commission not later than April 27, 1998.**

The Commission asks commenting parties to provide an original and 19 copies of their comments, and also to provide comments electronically on a 3 1/2 inch, high density, floppy disk, in WordPerfect version 5.1, 6.0, or 6.1 for IBM-compatible computers, labeled with the docket number of this proceeding, the date, the party's name, and the type of software used.

The Commission asks commenting parties to serve copies of their comments on other commenting parties. A list is enclosed.

Questions regarding this rule making should be addressed to Rebecca Beaton, Commission Staff, at 360-664-1287.

Sincerely,



PAUL CURL  
Acting Secretary

Attachment/Enclosure