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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

July 2, 1998

**NOTICE AND INVITATION TO COMMENT ON POTENTIAL  
DELAY PENDING FCC ACTION**

RE: Attachments to Transmission Facilities  
Docket No. UT-970723

TO ALL INTERESTED PERSONS:

TCI Cablevision of Washington, Inc. filed a petition in this docket asking the Commission 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 Inquiry (CR-101), noticing its intention to explore the need to address through rulemaking whether the Commission should adopt a methodology to determine just and reasonable rates for attachments to transmission facilities. The Commission requested that interested persons comment on the CR-101, and in response received written comments from seven persons. On December 3, 1997, the Commission convened a workshop to discuss with industry participants the need for rulemaking. The Commission then invited interested persons to augment their original comments by January 15, 1998.

On February 6, 1998, the FCC released its Report and Order in CS Docket No.97-151 in the matter of implementing Section 703(e) of the Telecommunications Act of 1996, Amendment of the Commission's (FCC) Rules and Policies Governing Pole Attachments.

On March 30, 1998, the Commission invited interested persons to file comments on a Staff suggestion that the Commission adopt the FCC Rules related to Pole Attachments with minor modifications. This is the methodology the FCC contemplates in the Report and Order, mandating a February 6, 2001, effective date for rate methodology for both telecommunications and cable companies.



Comments in this docket reflect diverse opinions on three issues:

1. Over lashing (whereby a service provider physically ties its wiring to other wiring already secured to the pole, is routinely used to accommodate additional strands of fiber or coaxial cable on existing pole attachments).
2. Consistency between the telecommunications and cable formulae.
3. Adoption of rules for all entities (the issue of applicability of proposed rules to attachments to poles owned by counties, cities and private enterprises).

Commission Staff now contemplates incorporating both FCC CS 97-98 (the existing FCC rate methodology) and CS 97-151 language (rate methodology for 2001) into a proposed rule. The FCC published a Notice of Reconsideration on CS Docket 97-151 on April 27, 1998. The FCC began internal processing of reconsideration comments on May 28, 1998, and while there is no statutory period for reconsideration, Commission Staff expects that the FCC Staff will review the matter expeditiously and make a recommendation to the FCC Commissioners by early fall 1998. Challenges to the proposed methodology at the FCC level include challenges of the concept of the rule, compensation rates, and overlashing language and compensation.

The FCC has opened a second rulemaking in Docket CS 97-98 for modification to the existing rate formula. This is the formula that will remain in effect until 2001. The FCC expects this rule may guide those states contemplating adoption of the 97-151 rule (with a FCC mandated adoption date of 2001) and states that it will address the two issues of cable and telecommunications rates.

Commission Staff recommends that the state rule process be deferred until issues are resolved at the FCC level. Since Commission Staff recommends adoption of the FCC methodologies for rates, deferring this proceeding until the resolution of issues at the FCC would allow parties to know what the FCC requirements are, would prevent the possible need to amend a rule, and would in the long run expedite the final adoption of a rule in this docket.

The Commission asks for comments on Staff's recommendation to defer action in this matter until the FCC rulemakings are complete, estimated at approximately 90 days. 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 diskette, in Word Perfect version 5.1, 6.0, or 6.1 for IBM-compatible computers, labeled with the name of the participant submitting the comment, a

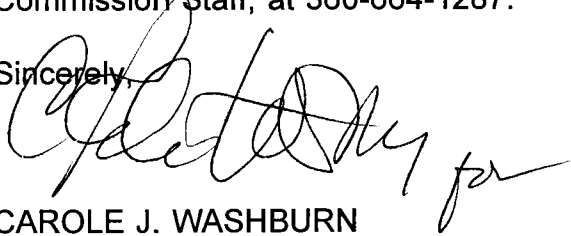
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description of the comment, the date, and type of software used. Instead of submitting a diskette, commenters may submit comments of less than three pages as attachments to electronic mail, addressed to <records@wutc.wa.gov>, but must provide the information specified above.

The Commission asks commenters to serve copies of their comments on other commenters. A list of those persons is enclosed. **The deadline for additional comments is July 10, 1998.** Comments should be submitted to: Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington 98504-7250, Phone 360-664-1174 (FAX 360-586-1150)

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

Sincerely,

A handwritten signature in black ink, appearing to read "Carole J. Washburn". The signature is written in a cursive, flowing style with a long horizontal flourish extending to the right.

CAROLE J. WASHBURN  
Secretary

Enclosure