

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

KENTUCKY CABLE TELEVISION)
ASSOCIATION, INC., COMPLAINTANT)
VS)
SOUTH CENTRAL BELL TELEPHONE) CASE NO. 8973
COMPANY, INC. DEFENDENT)

O R D E R

Procedural Background

On January 30, 1984, the Kentucky Cable Television Association ("KCTA") filed a complaint with the Commission concerning the pole and anchor attachment and conduit use rates of South Central Bell Telephone Company ("SCB"). Subsequently, on June 8, 1984, the Commission held a formal conference with SCB and KCTA. At the conclusion of the formal conference, SCB and KCTA were instructed to attempt to reach a settlement of KCTA's complaint and submit a proposed settlement to the Commission for its review and approval. On November 2, 1984, SCB and KCTA filed a joint motion for approval of partial settlement and for partial dismissal of KCTA's complaint. However, that motion was denied by a Commission Order dated December 21, 1984.

On February 4, 1985, SCB filed, under Case No. 9282, a tariff with the Commission to change its rates for pole and anchor attachments to conform with the methodology set forth by the Commission in Administrative Case No. 251, and to include and subject interLATA carriers to the provisions of the pole and

anchor attachment accommodations tariff. On February 15, 1985, KCTA filed a supplement to its complaint concerning the new tariff.

On July 25, 1985, SCB and KCTA filed a joint motion for approval of partial settlement and for partial dismissal in part and consolidation in part of KCTA's complaint.

Discussion

The joint motion filed by SCB and KCTA for approval of their agreement and partial dismissal of KCTA's complaint only dealt with pole and anchor attachment rates and regulations. An accommodation concerning conduit rates could not be reached. Therefore, SCB and KCTA have made a request that the Commission consolidate the areas of Case No. 8973 that apply to conduit occupancy rates with and into Case No. 9272.

Findings

The Commission, after reviewing the record and being advised, is of the opinion and finds that:

1. The joint motion filed by SCB and KCTA for approval of partial settlement of KCTA's complaint concerning pole and anchor attachments is within the guidelines set out in Administrative Case No. 251, and therefore should be sustained.
2. KCTA's complaint in Case No. 8973 concerning pole and anchor attachments should be dismissed.
3. The portion of Case No. 8973 concerning conduit occupancy rates should, by agreement of the parties, be transferred to and disposed of in accordance with the Commission's decision in

Case No. 9272. Therefore this portion of the complaint should be dismissed.

Orders


IT IS THEREFORE ORDERED that the joint motion filed by SCB and KCTA for approval of a partial settlement of KCTA's complaint concerning pole and anchor attachments is sustained.

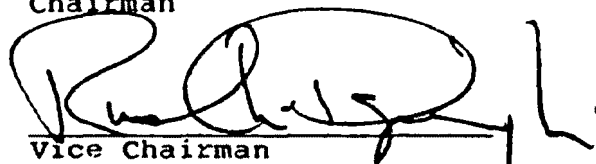
IT-IS FURTHER ORDERED that KCTA's complaint concerning pole and anchor attachments shall be dismissed.

IT IS FURTHER ORDERED that issues in that portion of this case concerning conduit occupancy rates are, by agreement of the parties, transferred to and are to be disposed of in accordance with the Commission's decision in Case No. 9272; therefore, that portion of this complaint that concerns conduit occupancy is hereby dismissed.

Done at Frankfort, Kentucky, this 26th day of July, 1985.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

not participating
Commissioner

ATTEST:

Secretary