

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6608

Investigation into tariff filing of Vermont Electric)
Cooperative, Inc. re: proposed Pole Attachment Tariff)

Order entered: 10/6/2004

I. INTRODUCTION AND HISTORY

On November 16, 2001, Citizens Communications Company ("Citizens") filed proposed new pole attachment tariffs to take effect January 1, 2002. On December 31, 2001, the Public Service Board ("Board") authorized the implementation of the tariffs subject to investigation in this docket. On April 1, 2004, Vermont Electric Cooperative, Inc. ("VEC") acquired Citizens' Vermont transmission system and on April 7 VEC filed a Motion for Substitution of Parties; on May 12 Citizens withdrew, so VEC is the real party in interest here.

Pole attachment rates, terms, and conditions of VEC were approved by the Board in Docket 6655, Order entered October 9, 2002, following a settlement between VEC and the Vermont Department of Public Service ("DPS") that was not opposed by the intervener, New England Cable and Telecommunications Association ("NECTA").

All the parties to this docket have joined in a stipulation ("Stipulation") that asks the Board's approval of a revision to VEC's tariff that would extend the terms and conditions (but not the rates) of the VEC tariff that the Board approved in Docket 6655 to the territory formerly owned by Citizens. The Stipulation also sets out the rates that will apply to pole attachments in the former Citizens territory. In the rest of this Order I briefly describe the substance of the Stipulation and the revised tariff, and recommend that the Board approve them.

II. DESCRIPTION

The tariff filed with the Stipulation is identical to the one approved by the Board in Docket 6655, with the addition of language to extend its application to the former Citizens service territory. The annual pole rental rate in the VEC territory (as it was before April 2004)

will remain set at \$5.81 per foot; the present filing sets the rate for poles in the former Citizens territory at \$3.94 per foot, the same rate as had been set by the Citizens' pole attachment tariff. For the entire service territory, presumptions about usable space and space used by different types of attaching entities, time limits for make-ready, and many other provisions are modeled directly after Rule 3.700's language.

The Stipulation provides that its terms are a compromise, and that it has no precedential effect other than in proceedings to enforce its terms or this Order. The new rates are to be effective November 16, 2004. Finally, VEC has agreed not to increase the pole attachment rates before October 1, 2005.

III. CONCLUSION

The terms and conditions in the tariff have already been approved by the Board in Docket 6655, and the rates being charged are low relative to those charged by other electric utilities. I recommend that the Board accept the Stipulation in its entirety.

The parties have waived service of this Proposal for Decision in accordance with 3 V.S.A. § 811.

Dated at Montpelier, Vermont, this 4th day of October, 2004.

s/John P. Bentley
John P. Bentley, Esq.
Hearing Officer

IV. BOARD DISCUSSION

We are pleased that the parties to this docket have reached an amicable resolution. However, we expect that, when VEC revises this rate in October of 2005, there will either be an explanation for the rate differential between the two sections of the VEC service territory or the differential will be eliminated.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The conclusions and recommendation of the Hearing Officer are accepted.
2. The Stipulation between Vermont Electric Cooperative, Inc., the Vermont Department of Public Service, and New England Cable and Telecommunications Association, Inc., is approved.
3. Vermont Electric Cooperative, Inc., shall file its compliance tariff within thirty days of the date of this Order.

Dated at Montpelier, Vermont, this 6th day of October, 2004.

<u>s/Michael H. Dworkin</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: October 6, 2004

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.