

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
The Cable Television Association of Georgia, et al.,)	
)	
Complainants,)	File No. PA 01-002
)	
v.)	
)	
Georgia Power Company,)	
)	
Respondent.)	

ORDER DENYING RECONSIDERATION

Adopted: October 28, 2003

Released: October 29, 2003

By the Chief, Enforcement Bureau:

1. We hereby deny Georgia Power Company’s (“Georgia Power”) petition¹ seeking reconsideration of six aspects of the Order the Enforcement Bureau released on August 8, 2003 in the above-captioned proceeding.² The Order partially granted a complaint filed by the Cable Television Association of Georgia and certain of its members (collectively, “Cable Operators”) against Georgia Power pursuant to section 224(b)(1) of the Communications Act of 1934, as amended (“Act”).³ The Order found, *inter alia*, that certain of the terms and conditions of attachment imposed by Georgia Power in its standard pole attachment agreement are unjust and unreasonable, and required Georgia Power to bargain in good faith with the Cable Operators regarding just and reasonable replacement terms. In its Petition, Georgia Power asks the Bureau to reconsider the Order’s determinations relating to (1) routine pole inspections; (2) make-ready; (3) rights-of-way; (4) indemnity; (5) *force majeure*; and (6) rate adjustments.⁴

¹ Georgia Power Company’s Petition for Reconsideration, File No. PA 01-002 (filed Sept. 8, 2003) (“Petition”).
² *Cable Television Ass’n of Ga. v. Georgia Power Co.*, Order, DA 03-2613, 2003 WL 21878639 (rel. Aug. 8, 2003).
³ 47 U.S.C. § 224(b)(1).
⁴ Petition at 2.

2. We have carefully reviewed the pleadings related to the Petition,⁵ as well as the underlying record. Georgia Power has presented no information or argument that warrants a change in the Order's conclusions regarding the six pole attachment agreement provisions at issue.⁶

3. Accordingly, IT IS ORDERED, pursuant to section 405 of the Act, 47 U.S.C. § 405, and sections 0.111, 0.311 and 1.106(j) of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, 1.106(j), that Georgia Power's Petition for Reconsideration IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁵ See Petition; Opposition to Georgia Power Company's Petition for Reconsideration, File No. PA 01-002 (filed Oct. 3, 2003); Georgia Power Company's Reply to the Cable Television Association of Georgia's Opposition to Its Petition for Reconsideration, File No. PA 01-002 (filed Oct. 17, 2003).

⁶ See Order, ¶¶ 16 (routine pole inspections), 20 (up-front make-ready fee), 26-27 (rights-of-way), 31 (indemnification), 33-34 (*force majeure*), 36 (rates).