



# PUBLIC NOTICE

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DA 08-653

Released: March 21, 2008

## CORRECTED LIST OF STATES THAT HAVE CERTIFIED THAT THEY REGULATE POLE ATTACHMENTS

### WC Docket No. 07-245

On February 22, 2008, the Commission gave notice that the state of New Hampshire has certified that it regulates pole attachments, and listed the states that have so certified.<sup>1</sup> This Notice repeats the February 22, 2008 notice verbatim, except that this notice includes the state of Ohio, which was mistakenly omitted from the list of certifying states.

The state of New Hampshire certifies that it has issued and made effective rules and regulations implementing its regulatory authority over pole attachments, including a specific methodology for such regulation which has been made publicly available in the state.<sup>2</sup> Pursuant to Section 1.1414(b) of the Commission's rules on pole attachments, the Commission gives public notice of receipt of New Hampshire's certification.<sup>3</sup> Certification by a state preempts the Commission from accepting pole attachment complaints under Subpart J of Part 1 of the Rules.<sup>4</sup>

Also pursuant to Section 1.1414(b), the Commission compiles and publishes from time to time a listing of states which have provided certification.<sup>5</sup> The following states have certified that they regulate rates, terms, and conditions for pole attachments, and, in so regulating, have the authority to consider and do consider the interests of subscribers of cable television services, as well as the interests of the consumers of the utility services. Moreover, these states have certified that they have issued and made effective rules and regulations implementing their regulatory authority over pole attachments, including a specific methodology for such regulation which has been made publicly available in the state.

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<sup>1</sup> *New Hampshire Joins States That Have Certified That They Regulate Pole Attachments*, Public Notice, WC Docket No. 07-245, DA 08-450 (rel. Feb 22, 2008).

<sup>2</sup> Letter from Thomas B. Getz, Chairman, New Hampshire Public Utilities Commission, to Marlene A. Dortch, Secretary, Federal Communications Commission (Jan. 23, 2008) (filed in WC Docket No. 07-245).

<sup>3</sup> 47 C.F.R. § 1.1414(b).

<sup>4</sup> 47 U.S.C. § 224(c); 47 C.F.R. §§ 1.1401-1.1418.

<sup>5</sup> Section 1.1402(g) defines the term "state" to mean any state, territory, or possession of the United States, the District of Columbia, or any political subdivision, agency, or instrumentality thereof. 47 C.F.R. § 1.1402(g).

Alaska  
California  
Connecticut  
Delaware  
District of Columbia  
Idaho  
Illinois  
Kentucky  
Louisiana  
Maine  
Massachusetts  
Michigan  
New Hampshire  
New Jersey  
New York  
Ohio  
Oregon  
Utah  
Vermont  
Washington

This Public Notice supersedes *States That Have Certified That They Regulate Pole Attachments*, Public Notice, DA No. 92-201, 7 FCC Rcd 1498 (1992).

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For further information regarding this proceeding, contact Jon Reel, Competition Policy Division, Wireline Competition Bureau, (202) 418-1580.

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