

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EC-23, SUB 50

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:

**BLUE RIDGE ELECTRIC
MEMBERSHIP CORPORATION,**

Petitioner,

v.

**CHARTER COMMUNICATIONS
PROPERTIES LLC,**

Respondent.

**BLUE RIDGE ELECTRIC
MEMBERSHIP CORPORATION'S
CONTENTIONS**

Petitioner, Blue Ridge Electric Membership Corporation ("Blue Ridge") provides the following statement of its contentions in this proceeding:

1. The methodology for calculating annual pole attachment rates adopted and approved by the Tennessee Valley Authority in 2016, and as applied using data regarding Blue Ridge's poles, is just and reasonable.

2. In addition to the annual rental rate for use of the poles, Blue Ridge must recover all additional costs Blue Ridge would not incur but for the presence of the attachments of Charter Communications Properties, LLC ("Charter).

3. The terms and conditions Blue Ridge has proposed for inclusion in a new pole attachment agreement with Charter regarding the following topics are just and reasonable:

a. Charter's obligation to pay disputed invoices;

- b. Appropriate processes for permitting and approval of Charter's attachments to Blue Ridge's poles;
- c. Certification requirements related to Charter's attachments to Blue Ridge's poles;
- d. Requirements for maintenance and transfer of Charter's attachments to Blue Ridge's poles;
- e. Non-compliant attachments;
- f. Insurance requirements;
- g. Default remedies;
- h. Blue Ridge's right to withhold consent for further attachments in the event of Charter's default;
- i. Confidentiality;
- j. Indemnity;
- k. Blue Ridge's right to reserve space on its poles for its future use;
- l. Blue Ridge's right to recover space on its poles occupied by Charter's attachments at Charter's expense;
- m. Notice and approval requirements for facilities Charter overlashes to its existing attachments;
- n. Fees for unauthorized attachments.

4. Charter is not entitled to have the pole attachment rate adopted by the Commission applied retroactively, and Charter is not owed any amounts for alleged "overcharges" it claims to have paid Blue Ridge for annual pole attachment rates prior to the Commission's decision in this matter.

Respectfully submitted, this 2nd day of November, 2017.

/s Charlotte Mitchell

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ATTORNEYS FOR BLUE RIDGE
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CERTIFICATE OF SERVICE

The undersigned certifies that she has served a copy of the foregoing upon the parties of record in this proceeding, or their attorneys, by electronic mail as follows:

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This 2nd day of November, 2017.

/s Charlotte A. Mitchell