

indicated in paragraphs 7–10 of this Order.

7. It is further ordered, pursuant to Sections 4(i), 4(j), and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), & 224, and Sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91 & 0.291, that the above-captioned complaint proceeding is designated for hearing in a proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the refunds due Piedmont, including interest, for July 1, 1990 through August 29, 1990.

2. To determine whether Duke charged Piedmont, Cencom, and Spartanburg/Greenville pole attachment rates that exceeded the maximum amounts allowable under Commission rules during the periods since the complaints were filed.

3. If Duke has charged Complainants excessive pole attachment rates during the periods since the complaints were filed, to determine the amounts of the refunds Duke must pay Complainants for those periods.

4. To determine, in view of the evidence adduced on issues 2 and 3, above, whether Complainants are entitled to interest on any refund amounts for the periods since the complaints were filed and, if so, the amount of that interest.

8. It is further ordered, that the burden of proof and the burden of proceeding with the introduction of evidence shall be upon Complainants.

9. It is further ordered, that the designated parties may avail themselves of an opportunity to be heard by filing with the Commission a Notice of Appearance in accordance with Section 1.221 of the Rules, 47 CFR § 1.221, within twenty (20) days of the mailing of this Order.¹

10. It is further ordered, that Duke and the Complainants shall file the information set both in paragraphs 25 and 26, above, within thirty (30) days of the mailing of this Order.

11. It is further ordered, that the parties shall address any exceptions to the ALJ's decision in this proceeding to the Commission.

Federal Communications Commission.

Kathleen M.H. Wallman,

Chief, Common Carrier Bureau.

[FR Doc. 95–16114 Filed 6–29–95; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket No. 95–95; DA 95–1364]

American Cablesystems of Florida, Ltd., d/b/a Continental Cablevision of Broward County, and Continental Cablevision of Jacksonville, Inc. v. Florida Power and Light Company

AGENCY: Federal Communications Commission.

ACTION: Hearing Designation Order.

SUMMARY: The Chief, Common Carrier Bureau, pursuant to delegated authority, has designated for hearing a pole attachment complaint filed by American Cablesystems of Florida, Ltd., d/b/a/ Continental Cablevision of Broward County, and Continental Cablevision of Jacksonville, Inc. v. Florida Power and Light Company. This action is being done to expedite the resolution of this complaint.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W. Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Thaddeus Machcinski, Common Carrier Bureau, Accounting and Audits Division, (202) 418–0808.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Order in CC Docket No. 95–95, adopted June 15, 1995 and released June 15, 1995. The complete text of this Order is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, N.W., Washington D.C., and may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., at 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, or call (202) 857–3800.

Synopsis of Order

1. This Order designates for hearing a pole attachment complaint filed by American Cablesystems of Florida, Ltd., d/b/a/ Continental Cablevision of Broward County, and Continental Cablevision of Jacksonville, Inc. (collectively, Continental) v. Florida Power and Light Company (Florida Power). The complaint concerns the pole attachment rates Florida Power has charged Continental TCA since August 4, 1992.

2. The Order directs the presiding administrative law judge to require the parties to meet prior to hearing to determine whether the case can be settled. In the event a settlement is not reached, the Order directs the presiding law judge to, if possible, resolve the case on a paper record. If unable to do so, the Order directs the presiding law judge to conduct such further proceedings as

may be necessary to resolve the complaint.

3. This Order also directs parties to file any exceptions to the administrative law judge's decision to the Commission rather than to the Review Board.

4. The Order was effective upon release.

Ordering Clauses

5. Accordingly, It Is Ordered, pursuant to Sections 4(i), 4(j), and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 224, and Sections 0.91 and 0.291 of the Commission's Rules, 47 CFR 0.91 and 0.291, that the complaint American Cablesystems of Florida, Ltd., and Continental Cablevision of Jacksonville, Inc. filed August 4, 1992, against Florida Power and Light Company Is Granted to the extent indicated in Paragraph 10 of this Order, and to the extent not granted, Is Referred to an Administrative Law Judge.

6. It is Further Ordered, pursuant to Sections 4(i), 4(j), and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), & 224, and Sections 0.91 and 0.291 of the Rules, 47 CFR 0.91 and 0.291, that the above-captioned complaint proceeding Is Designated For Hearing in a proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether Florida Power charged Continental pole attachment rates that exceeded the maximum amounts allowable under Commission rules during the period covered by the complaint.

2. If Florida Power has charged Continental excessive pole attachment rates during the period covered by the complaint, to determine the amounts of the refunds Florida Power must pay Continental.

3. To determine, in view of the evidence adduced on the foregoing issues, whether Continental is entitled to interest on any refund amounts and, if so, the amount of that interest.

7. It is Further Ordered, that the burden of proof and the burden of proceeding with the introduction of evidence Shall Be Upon Complainants.

8. It is Further Ordered, that the designated parties may avail themselves of an opportunity to be heard by filing with the Commission a Notice of Appearance in accordance with Section 1.221 of the Rules, 47 CFR 1.221, within twenty (20) days of the mailing of this Order.¹

9. It is Further Ordered, that Florida Power and Continental Shall File the

¹ The separated trial staff will file an appropriate Notice of Appearance before participating in the proceedings before the presiding ALJ.

¹ If the Bureau intends to participate in the proceedings before the presiding ALJ, the Bureau shall file an appropriate Notice of Appearance.