

CINCINNATI BELL TELEPHONE COMPANY LLC
Local Telephone Service agreement - Kentucky

Section 19 – Construction

A. TERMS AND CONDITIONS

The charges specified in this section apply in addition to all other rates and charges, including termination charges, applicable to services furnished.

Deposits or advance payments covering construction charges may be required at the time application for service is made.

All poles, wire and cable facilities, and conduit, provided by the Company are furnished, installed and maintained by the Company. The Customer does not obtain any right of ownership or otherwise in poles, wire and cable facilities, and conduit provided by the Company whether or not construction charges are applied.

When poles, wire and cable facilities, or conduit, provided by the Company on private property, are changed, relocated, or replaced at the request of or to meet conditions imposed by the Customer, the cost to the Company is borne by the Customer.

When poles or conduit are provided by the Customer, the Customer is responsible for maintenance and replacement. When conduit is provided by the Customer, cost of excavation, repair or replacement of conduit, and fill-in, if required in connection with maintenance or replacement of cable facilities of the Company, is borne by the Customer.

When the Customer is located so that it is necessary for the Company to obtain right of way to furnish service, the customer may be required to pay the cost, including rental, of securing and retaining right of way.

When Construction is provided by a connecting company, charges made to the Customer will be the charges of the connecting company.

All rates and charges specified in this Agreement provide for the furnishing of services or channels where suitable facilities are available or where the construction of the necessary facilities does not involve unusual costs. When the revenue to be derived from the service or channels is not, in the opinion of the Company, sufficient to warrant the Company assuming the unusual costs of providing the necessary construction, the customer may be required to pay all or a portion of the estimated cost to be incurred, the amount depending upon the circumstances in each case.

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B. POLE LINE CONSTRUCTION

1. General

The regulations and charges specified in this part B. apply to pole line extensions required to serve applicants for service when the necessary pole line facilities are not available.

When poles owned and maintained by others and used by the Company under joint use or other arrangements are employed, the construction charges to be applied are the same as those that would be applicable if the poles were provided by the Company. Following their first employment by the Company, poles of others used under joint use or other arrangements become a part of the general distribution pole line or entrance pole line facilities, as the case may be, of the Company for the purpose of determining whether such pole line facilities are available.

2. General Distribution Pole Line Facilities

General distribution poles are poles used to support wire and cable facilities required to serve customers generally. Such poles are provided by the Company, or are owned and maintained by others and used by the Company under joint use or other arrangements.

3. Entrance Pole Line Facilities

Entrance poles are located on private property used to support the entrance service wires required to serve one customer. Such poles are provided by the Company, or are owned and maintained by others and used by the Company under joint use or other arrangements.

When entrance poles are required but are not available, the applicant is charged a construction charge equal to 50 percent of the estimated in-place cost of construction for entrance facilities in excess of 1,000 feet, measured along the path of construction.

The Company will place its entrance service wires on poles owned and maintained by the applicant or others not provided under joint use arrangements, if in the Company's opinion the poles are properly located and suitable for such use. Permission to use such poles must be furnished to the Company free of cost. The Company may, after notice in writing to the Customer and without incurring any liability as a result, discontinue furnishing service in this manner if in the Company's opinion the poles are not properly maintained or used in accordance with accepted safety standards

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C. UNDERGROUND CONSTRUCTION

1. General Distribution Underground Facilities

General distribution underground conduit is conduit in which cable facilities required to serve customers generally are placed.

The Company will place general distribution facilities underground without conduit where conditions are suitable, in the Company's opinion.

2. Entrance Underground Facilities

Entrance underground facilities consist either of underground conduit in which the entrance underground cable is placed or, in lieu of conduit and where conditions are suitable, in the opinion of the Company, only of excavation and fill-in in which buried underground wires or cables are placed, on private property required to serve one customer. Entrance underground conduit and underground facilities without conduit are provided by the Company subject to the construction charges specified in this part C.2.

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C. UNDERGROUND CONSTRUCTION (Continued)

2. Entrance Underground Facilities (Continued)

a. Where the General Distribution System is Underground

Where the general distribution system is underground, or is about to be placed underground, all existing customers and applicants along its route are required to arrange for entrance underground conduit or entrance underground facilities without conduit, to connect to the general distribution underground system.

A construction charge is applied for entrance underground conduit equal to 50 percent of the estimated in-place cost of construction for such conduit.

A construction charge is applied for excavation and fill-in without conduit in which buried underground wires or cables are placed, equal to 50 percent of the estimated cost for excavation and fill-in in excess of 1,000 feet, measured along the path of construction.

If a group of customers or applicants request and it is feasible to do so, block distribution may be employed in which underground conduit is constructed from the public highway to one of the buildings and from there successively to the other buildings on the private property of the respective customers or applicants. In such cases the construction charge, as described in this Part C.2.a. is apportioned among the parties equitably, taking into consideration their respective locations.

The Company will place its entrance underground cables in conduit provided and maintained by the customer or others if in the Company's opinion the conduit is properly located and suitable for such use. Permission to use such conduit must be furnished to the Company free of cost. The Company may, after notice in writing to the Customer and without incurring any liability as a result, discontinue furnishing service in this manner, if in the Company's opinion the conduit is not properly maintained or used in accordance with accepted safety standards.

The Company will place its entrance facilities underground without the use of conduit where the excavation and fill-in is provided and maintained by the Customer or others and the construction is in accordance with the Company's specifications. Permission to use the trench must be furnished to the Company free of cost. The Company may, after notice in writing to the Customer and without incurring any liability as a result, discontinue furnishing service in this manner, if in its opinion the trench is not properly maintained or used in accordance with accepted safety standards.

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C. UNDERGROUND CONSTRUCTION (Continued)

2. Entrance Underground Facilities (Continued)

b. Where the General Distribution System is on Poles

Where the general distribution system is on poles and is not to be placed underground, a Customer may arrange for an underground service connection subject to the regulations and charges specified in this Part C.2.b.

Entrance underground conduit between the public highway and the building will be provided subject to the regulations and charges specified in this Part C.2. Excavation and fill-in without conduit between the public highway and the building will be provided at a construction charge equal to 50 percent of the estimated cost.

Connection of the entrance underground facilities to the general distribution poles may be made in either of the following ways depending upon circumstances, subject to the charges indicated:

The Company will provide general distribution underground facilities in the public highway between the nearest pole of the general distribution system and the point of connection with the entrance underground facilities, subject to a construction charge equal to the cost.

The Company will erect an entrance pole at the terminus of the underground entrance facilities, and erect drop wires between this pole and a pole of the general distribution system subject to a construction charge equal to the in-place cost for the entrance pole.

The necessary cable or buried wire facilities will be furnished by the Company subject to a construction charge based on the excess, if any, of the in-place cost of the cable or buried wire over the cost of entrance service wires that otherwise would have been employed.

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D. SPECIAL TYPES OF CONSTRUCTION, FACILITIES OR INSTALLATION

When a customer or applicant requires a special type of construction, or a type of facilities not normally provided, or when the conditions imposed by the Customer or applicant, such as the time and place involved, make the construction or installation abnormally or excessively costly, an additional charge applies. The charge to be applied is equal to the difference between the cost for the special type of construction, facilities, or installation, and the cost that otherwise would have been incurred for a normal type of construction, facilities, or installation.

The use of exposed wiring is the standard method of wiring all buildings. When concealed wiring is requested and building conduits are not provided by the Customer or applicant, the Customer or applicant will be charged the cost incurred.

If the Customer or applicant provides suitable building conduit including terminal cabinets, outlet boxes, etc., the Company will install its wires and cables therein.

E. CONSTRUCTION INVOLVING UNUSUALLY LARGE QUANTITIES OF ENTRANCE FACILITIES

When, in the judgment of the Company, a Customer or applicant requires an unusual quantity of entrance facilities, a termination liability will apply. The termination liability will equal the cost of construction of the facilities required less the cost of construction of facilities that would normally be required. Bond or other suitable security equal to the construction cost will be required. Such security, bond, etc., will be held by the Company for a maximum of 12 months. If the use of the specially constructed facilities is terminated in less than 36 months for any reason, the Customer will be required to pay the Company an amount equal to 1/36 of the total construction cost for each month less than 36 that the facilities have been in service.

F. CONSTRUCTION OF TEMPORARY FACILITIES FOR LONG TERM SERVICE

The construction charges specified in Parts B, C, D, and E preceding contemplate the construction of permanent facilities for long term service. When temporary facilities are constructed in advance of the permanent facilities in order to meet the service date requested by the Customer or applicant for long term service, the Company may apply a construction charge equal to the cost for the temporary facilities, plus the cost of removal less salvage.

G. CONSTRUCTION OF FACILITIES FOR SHORT TERM SERVICE

When either permanent or temporary facilities are constructed to provide service which the Company knows or believes will be in service for a short term, and there is no immediate prospect of reuse of the facilities in place for service provided by the Company, a construction charge applies, equal to the cost for such construction plus the cost of removal less salvage if the facilities must be removed.