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|  | **STATE OF CONNECTICUT** |  |

**PUBLIC UTILITIES REGULATORY AUTHORITY**

**TEN FRANKLIN SQUARE**

**NEW BRITAIN, CT 06051**

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| **Docket No.** **11-03-0711-03-07** | **DPUC Investigation into the Appointment of a Third Party Statewide Utility Pole Administrator for the State of ConnecticutDPUC Investigation into the Appointment of a Third Party Statewide Utility Pole Administrator for the State of Connecticut** |

September 12, 2014

By the following Commissioners:

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**DRAFT DECISION**

This draft Decision is being distributed to the parties in this proceeding for comment. The proposed Decision is not a final Decision of the PURA. The PURA will consider the parties’ arguments and exceptions before reaching a final Decision. The final Decision may differ from the proposed Decision. Therefore, this draft Decision does not establish any precedent and does not necessarily represent the PURA’s final conclusion.

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**DRAFT DECISION**

# INtroduction

## Summary

In this Decision, the Public Utilities Regulatory Authority adopts the working group’s recommendation for the two electric distribution companies to serve as the Single Pole Administrator in their respective service territories. The NOTIFY System shall be used by all attachers, which will result in a more efficient third-party pole attachment process and service restoration operation that meets the Public Utilities Regulatory Authority’s time frame. Actual incremental costs should be recovered from the cost causers or attachers that receive the benefits of the services provided by the Single Pole Administrator. Cost recovery of any unreimbursed costs associated with Single Pole Administration will be addressed in future rate cases. The Public Utilities Regulatory Authority’s mediation team will continue in its current role. The utility pole attachment working group may reconvene to develop details and provide recommendations to the Authority to expand the duties of the Single Pole Administrator beyond the duties addressed in this Decision.

## Background of The Proceeding

The Public Utilities Regulatory Authority (Authority or PURA) initiated this docket, pursuant to §§16‑228, 16-235, 16-243 and 16‑247h of the General Statutes of Connecticut (Conn. Gen. Stat.) and §16‑1‑113 of the Regulations of Connecticut State Agencies (Reg. Conn. Agencies) to review, and if necessary, streamline the utility pole attachment process.

By the Decision dated August 1, 2012 in Docket No. 11-09-09, PURA Investigation Of Public Service Companies' Response to 2011 Storms (Two Storms Decision), the Authority found that the current pole administration structure did not delay the restoration of services during the two storms in 2011: Tropical Storm Irene and October Snow Storm. In that Decision, the Authority determined that the issue with utility pole administration was not one of restoration, but a claim that there was an unacceptable delay in allowing third parties to attach their facilities to the utility poles and that the current pole attachment process was inefficient. Two Storms Decision, p. 85.

In the Two Storms Decision, the Authority directed that the utility pole attachment working group (Working Group) develop a consensus pole administration structure to facilitate utility pole attachments. Specifically, the Authority directed the Working Group to examine the single pole administration proposals submitted by The Connecticut Light and Power Company (CL&P) and The United Illuminating Company (UI); the electric distribution companies (EDCs). CL&P proposed to become the Single Pole Administrator (SPA) in the 149 towns in its territory that would:

1. Serve as the single point of contact for all pole-related issues including parties that seek to attach new equipment, or to replace existing equipment on utility poles in its service territory.
2. Coordinate the shifting of existing equipment on poles that is necessary to (i) eliminate double poles and (ii) facilitate repairs and replacements of existing equipment and new pole attachments.
3. Accept responsibility when pole-related commitments, which are within the control of CL&P in its capacity as the SPA, are not met.

Bowes PFT dated April 25, 2012, pp. 2 and 3, filed in Docket No. 11‑09‑09.

UI proposed to become the SPA in the 17 cities and towns in its service territory as a sole utility pole owner. The key components of UI’s proposal were to:

1. Install new poles for both electric and communications use.
2. Inspect, maintain and replace all poles in its service territory, including those to which only communications facilities are attached for both blue sky days and weather/emergency events.
3. Shift power and communications attachments (excluding specialized equipment) to facilitate timely and cost-efficient replacement and removal of poles.
4. Be responsible for tree trimming for both electric and communications facilities.
5. Serve as the single point of contact for all pole-related issues for all parties that seek to attach new equipment or to replace existing equipment on poles.
6. Coordinate the shifting of existing equipment on poles necessary to eliminate double poles and facilitate repairs and replacements of existing equipment and new pole attachments.
7. Be responsible when pole-related commitments are not met, provided that the commitments are within the control of UI in its capacity as the single pole owner and SPA.

Thomas PFT dated April 27, 2012, pp. 3 and 4 filed in Docket No. 11-09-09.

## Conduct of The Proceeding

By Notice of Technical Meeting dated May 8, 2013, a technical meeting was held on May 16, 2013, at the Authority’s offices, 10 Franklin Square, New Britain, CT to discuss the Working Group’s final report dated February 28, 2014 (WG Report). During that technical meeting, the Authority requested that the participants submit written comments (Written Comments) addressing the WG Report.

By Notice of Hearing dated June 25, 2013, a hearing was scheduled for July 8, 2013. By Notice of Rescheduled Hearing dated July 3, 2013, the July 8, 2013 hearing was canceled and rescheduled for August 22, 2013. By Notice of Rescheduled Hearing dated September 6, 2013, the August 22, 2013 hearing was canceled and rescheduled for October 22, 2013. By Notice of Rescheduled Hearing dated October 28, 2013, the October 22, 2013 hearing was canceled and rescheduled for December 2, 2013. The December 2, 2013 Hearing was held at which time it was closed.

The Authority issued the draft Decision on September 12, 2014. All participants were provided with the opportunity to submit Written Exceptions and present Oral Argument to the draft Decision.

## Participants

Northeast Utilities Services Company; The United Illuminating Company; The Southern New England Telephone Company, d/b/a AT&T of Connecticut; Verizon New York, Inc.; Fiber Technologies Networks, LLC; New England Cable and Telecommunications Association, Inc.; Cox Communications, Inc.; Thames Valley Communications, Inc.; Comcast of Connecticut; Connecticut Conference of Municipalities; Town of Glastonbury; Office of Consumer Counsel; and the Bureau of Energy and Technology Policy were designated as Participants. The City of Bristol was designated as an Interested Person.

## PURA Prior Proceedings and Decisions

In addition to the Two Storms Decision, the Authority has issued several Decisions that address the pole attachment process:

By the April 30, 2008 Decision in Docket No. 07-02-13, DPUC Review of the State’s Public Utility Service Pole Make-Ready Procedures – Phase I (Make‑Ready Decision), the Authority established a 90-day time interval for utility pole attachments addressing the make‑ready work time interval. Specifically, the Authority required a maximum 45-day interval for the make-ready estimate process and 45 days to complete the work. The Authority also provided for an additional 35 days for pole replacement, totaling a 125-day time interval for the pole attachment process. Make‑Ready Decision, p. 19.

In its September 29, 2004 Decision in Docket No. 03-03-07, DPUC Review of Public Utility Structures and Poles Within Municipal Rights of Way (Double Pole Decision), the Authority ordered the utility pole custodians to remove, under normal conditions, old bare poles within 18 months of a new pole’s installation. In addition, the Authority required that old bare poles located along high traffic roadways must be removed within 12 months of a new pole’s installation or six months after transfer of facilities, whichever was sooner. Double Pole Decision, p. 13.

By the June 30, 2010 Decision in Docket No. 09-12-05, Application of Connecticut Light & Power Company to Amend its Rate Schedules (CL&P Rate Case Decision), the Authority issued rulings regarding CL&P’s pole attachment process. Specifically, the Authority ordered CL&P to work with municipal and non-municipal attachers and developed a standardized pole attachment agreement for each attacher class. These standard agreements were subsequently submitted and approved by the Authority. CL&P Rate Case Decision, Order No. 13; PURA Compliance Letter dated January 28, 2011.

# The Working Group

The Working Group held formal meetings on six separate occasions: August 29, 2012, September 19, 2012, October 2, 2012, October 23, 2012, December 10, 2012 and January 17, 2013. Those meetings had widespread attendance by participants either in person or by teleconference. Representatives of the utility pole owners, CATV companies, telecommunications services companies, municipalities, state officials, the PURA’s mediation team[[1]](#footnote-1) (Mediation Team) and other interested parties were generally involved in each meeting. Each meeting was chaired by a representative of CL&P and minutes were taken and circulated by CL&P. WG Report, p. 3.

On February 28, 2013, the Working Group filed the WG Report with the Authority in response to the requirement of the Two Storms Decision. In its report, the Working Group requested the Authority to rule on a number of issues that the group could not reach a consensus on, as well as adopt a number of recommendations agreed to by the participants.

## Consensus Issues

### 1. NOTIFY Database System

NOTIFY, developed by Alden, Inc., is a web-based, database software system used for the receipt and processing of wireline third-party attachment applications, data collection, attacher notification and communication functions. The NOTIFY System is currently used by CL&P and is built on its geographical information systems (GIS) mapping records. CL&P purchased the NOTIFY System and other utility pole attachers will be provided access to the system by signing a usage agreement with CL&P and the vendor. Once access is granted, the attachers will have the ability to use the NOTIFY System at no charge. The NOTIFY System is not currently used for facility shifts, but CL&P plans to incorporate that capability in the future. WG Report, p. 6; Tr. 12/02/13, pp. 31 and 70.

The NOTIFY software platform has the following key features:

* Allows interface with CL&P’s GIS data source and allows the company to independently verify location data via an interface to Bing Maps.
* Allows utility pole attachers to obtain electronic real-time access to data, including the status of pole attachment applications.
* Retains a record of historical communications between participants in the process regarding attachments, detachments, inspections, billing and inquires.
* Allows pole attachers to electronically submit and monitor their pole attachment application from beginning to end.
* Provides e-mail alerts to attachers and notifies them of the work they need to complete and when.
* Conceals the name of a pole attacher’s pending application up until the time that a license is issued to the attacher, thereby protecting that information from the pole attacher’s competitors.
* Provides a pole shift notification and tracking database.
* Identifies CL&P’s current rates and charges and provides automated bill reconciliation and minimizes billing disputes with automated generation of invoices.
* Contains a robust security model that ensures data reliability and a comprehensive audit function showing which pole owner or attacher made data changes and when.

Bowes PFT, pp. 4 and 5.

CL&P enumerated a number of benefits of the NOTIFY System including the elimination of weekly and daily conference calls among pole owners and attachers about application status, sequencing and identification and resolution of other problems. Communication through the system is ongoing, providing numerous updates that are managed through a central data repository. Tr. 12/02/13, pp. 31 and 70.

The Working Group has reached a consensus that the NOTIFY System should be utilized for pole licensing and administration. UI has agreed that one centralized system would be beneficial and has met with the vendor to also use NOTIFY. The NOTIFY System will have to be enhanced to match UI’s present system functions. WG Report, pp. 6 and 7.

Based on the Working Group’s consensus, the Authority endorses the use of NOTIFY System for pole administration purposes by all pole owners and attachers. In the opinion of the Authority, use of the NOTIFY System should provide the SPAs with an effective tool to manage utility pole make-ready work under normal conditions and streamline the restoration service process immediately following emergency events. Additionally, use of the NOTIFY System should provide the SPA, pole custodians and attachers, state and local emergency managers with critical pole status information regarding service restoration operations.

Accordingly, the Authority will require utility pole owners, municipalities and other attachers to utilize the NOTIFY System for their pole data and administrative functions. All pole owners should input the necessary data including information concerning their existing poles and pending pole wire shifts into the NOTIFY System. The Authority will require all pole owners to input their data into the NOTIFY System by December 3, 2014. The Authority also will require The Southern New England Telephone Company, d/b/a AT&T Connecticut (AT&T) to input its pole data into UI’s NOTIFY System to minimize any potential input problems due to post acquisition.[[2]](#footnote-2)

### 2. The PURA Mediation Team

The Working Group questioned whether the PURA Mediation Team should: i) continue to be made available by the Authority to mediate pole related disputes; and (ii) have access to the NOTIFY System. Id., p. 20.

The Working Group concurred that the PURA Mediation Team serves an important purpose as a first step to resolving pole attachment issues and avoiding unnecessary dispute resolution at the Authority and recommended that the team remain a part of the process when resolving issues with the SPAs. AT&T stated that the role of the PURA Mediation Team should continue as it is today, including participating in working groups, keeping apprised of pole administration issues and facilitating discussion between entities when conflicts arise. AT&T emphasized that any proposed changes to practices or policies should continue to be addressed through appropriate forums in order to protect the attachers’ legal rights. Id.

Several participants have concerns about providing the PURA Mediation Team with routine access to pole licensing applications and the pole data in the NOTIFY System. The New England Cable & Telecommunication Association (NECTA) stated that for security and competitive reasons, it would prefer to limit such access to situations involving a particular dispute. NECTA recommended requiring such access be pursuant to a protective order. Similarly, AT&T suggested that the PURA Mediation Team be required to request information directly from the disputing entities if it is asked to resolve a situation requiring information from the NOTIFY System database. The EDCs, municipalities, Fiber Technologies Networks, LLC (Fibertech) and the Office of Consumer Counsel (OCC) are comfortable providing open access to data from the NOTIFY System in order to allow periodic checks on the progress of the attachment process. Id., pp. 20 and 21.

The Authority will allow the PURA Mediation Team to continue in its existing role with the Working Group and mediate pole attachment disputes when necessary. In order for PURA staff to effectively oversee the activities of the SPA and attachers, it will require access to the NOTIFY System. Information in the NOTIFY System related to disputed issues will also be provided by the disputing parties to the Mediation Team as needed.

## Non-Consensus Issues

### SPA Establishment and Legal Argument

The majority of the Working Group participants has accepted some of the basic concepts of the SPA role. For example, they concur that the EDCs should be designated as the SPA in their respective service areas. WG Report, Appendix A, Section II (B) 1. In these cases, the SPA would serve as a single point of contact for attachers seeking a license to install or relocate a pole attachment. Prospective attachers would submit a single application to the respective EDC. As the SPA, it would be responsible for notifying the applicant as to the status of the license and make-ready work. The SPA would also collect payments for the appropriate application fees and make-ready fees, oversee and keep track of any required survey work, temporary attachment requests, make-ready work, applicant payments and construction related to the planned installation and final inspection of the attachment. Additionally, the SPA would coordinate and notify various attachers as to necessary shifts of equipment or modifications in existing attachments. Under this arrangement, only one pole license would be released to the attacher after all make‑ready work was completed in the electric and telecommunications gains. WG Report, p. 10.

The Connecticut Conference of Municipalities (CCM) stated that 90 percent of the municipalities within the state support the SPA, a single utility pole attachment agreement and a statewide pole database. The CCM indicated that the current utility pole attachment process is inefficient and burdensome with undue delays and costs. Delays are due to the improper coordination among all attachers to perform their shifting work. The CCM contended that it is important for the SPA to coordinate the attachment process, manage a single pole attachment agreement, coordinate repairs, especially during statewide disasters, manage a statewide electronic database of poles, manage pole shifting work, inspect and survey poles, and coordinate the relocation of poles during road construction. Tr. 12/2/13, pp. 10-12.

The CCM asserted that the SPA should ensure, that at all times, requests for shifting work be properly met, and if not, the SPA should have the authority to impose penalties upon those individuals who are late in completing their work. According to CCM, the SPA also should ensure that the temporary attachments are only temporary and that permanent attachments are later completed. The CCM opined that the cost to establish the pole administrator should not be burdensome and could be recovered in the existing pole attachment fee structure. Id., pp. 12 and 13.

Lastly, the CCM supported a single utility pole attachment agreement that streamlines the process and eliminates undue costs and confusion, and the establishment of a statewide utility pole database that helps manage attachments, relocations and repair of poles. According to the CCM, this should be a free, web-based system that identifies poles, allows submission of attachment requests, and enhances communication between utility pole owners and attachers. Id., p. 14.

Moreover, the Authority received correspondence from the following municipalities indicating their support for the implementation of the SPA and their adoption of the CCM positions. These are: the Cities of Danbury and Stamford; The Towns of: Berlin, Branford, Brookfield, Burlington, Columbia, Coventry, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hebron, Middlebury, Newtown, Plainfield, Plainville, Roxbury, Simsbury, Somers, Wilton and Windham. See for example; Town of Glastonbury Correspondence dated May 31, 2013 and the Town of Coventry Correspondence dated December 23, 2013.

The Connecticut Government Management Information Science (GMIS) supported an independent pole administrator unaffiliated with the industry of pole users and owners. GMIS indicated that transparency and a non‑communications companies' administration of the communications gain could bring fair and efficient pole administration. Thus, GMIS supported the commitment of the EDCs to become the SPAs. GMIS Correspondence dated December 28, 2013.

The Connecticut Department of Transportation (DOT) supported the appointment of a SPA, which it claimed would promote cooperation and partnering to manage pole transfers, joint trench construction, pole attachments and project notification. The DOT asserted that the implementation of the SPA would enhance emergency preparedness and response. DOT Correspondence dated December 3, 2013.

The Connecticut Council of Small Towns (COST) supported the assignment of a SPA to assist municipalities in negotiating municipal attachment agreements, establishing a database that identifies pole locations and assists in preparing and submitting attachment applications. The COST also supported the appointment of a SPA to address concerns regarding communication between pole owners and attachers to resolve issues that may impede municipal access to the state’s Nutmeg Network. Finally, the COST supported a single utility pole attachment agreement. Without it, there is inconsistent contractual terms, separate application fees and per-pole fees and penalties which all cost municipalities tens of thousands of dollars. COST Correspondence dated December 3, 2013.

The Department of Energy and Environmental Protection’s Bureau of Energy and Technology Policy (BETP) supported the SPA assignment. The Department of Emergency Services and Public Protection’s Division of Emergency Management and Homeland Security (DEMHS) supported the GIS mapping of every utility pole in the state and the accounting of all equipment mounted to those utility poles. BETP Correspondence dated October 10, 2013; DEMHS Correspondence dated August 12, 2013.

Fibertech requested that the Authority approve a comprehensive reform of the pole administration structure including a centralized software system and the appointment of the SPAs. Fibertech believed that the Authority has the statutory authority to empower the SPAs to manage the poles within their territories. Fibertech cited Section 251(b)(4) of the Telecommunications Act of 1996 (Federal Act) which required that AT&Tand Verizon New York, Inc. (Verizon) and other utility pole owners afford access to their poles to competing providers of telecommunication services. Section 224 of the Federal Act also obligates the utility pole owners to allow cable television systems or any telecommunications carrier, non‑discriminatory access to any pole, duct, conduit, or right of way that it owns or controls. Additionally, Fibertech cited Conn. Gen. Stat. §§16‑11, 16-247h, 16‑243, 16‑18 and 16-19e that provide the PURA with the statutory authorization to appoint a SPA and to implement the measures discussed in the WG Report. Fibertech May 30, 2013 Written Comments, pp. 3, 18 and 24.

The OCC supported the appointment of the SPA as proposed by the EDCs and the Working Group. The OCC urged the Authority to swiftly implement the SPA plans across the state. OCC Brief, pp. 1 and 38. The OCC argued that assigning management authority to the EDCs as single pole administrators was necessary and within the PURA’s statutory grant of authority. The OCC concurred with Fibertech that the PURA has the extensive authority under federal law, state statutes and precedent necessary to appoint and control the activities of the SPA. The OCC also stated that Connecticut statutes provide the PURA with the authority to oversee the public right-of-way (PROW), to ensure that it is safe and is used efficiently. Additionally, the PURA has the authority to organize and enforce the management and placement of facilities within the PROW. Id., pp. 12 and 13.

NECTA contended that with the utilization of a utility pole management software system such as the NOTIFY System, there is no need to designate a SPA. NECTA May 30, 2013 Written Comments, pp. 5 and 6.

Verizon asserted that none of the advocates for the SPA have offered any reasons why a SPA is needed in its service area in the Town of Greenwich. Verizon opposed the appointment of the SPA because the PURA lacks the statutory authority to authorize one of the pole owners to act in that capacity. Verizon May 30, 2013 Written Comments, p. 1. AT&T argued that Connecticut law does not provide the Authority with any means by which to appoint a SPA and to do so, would constitute an exercise of authority beyond its powers. AT&T also argued that the OCC, Fibertech and the CCM have improperly relied on various statutes designed to encourage and implement telecommunications competition as the legal foundation of the PURA’s authority to appoint a SPA in this proceeding. According to AT&T, those statutes do not grant the PURA the authority to broadly impose structural changes that affect a pole owner’s control over and interests in its own facilities. AT&T Brief, p. 6.

Conn. Gen. Stat. §16-11, et seq. grants broad authority to the PURA to protect the safety of the public and utility company employees in the maintenance and operation of utility companies facilities on Connecticut roadways. Local Public Works engineers and administrators and the DOT are also charged with the safe and efficient use of the roadways. For example, utility poles cannot be installed in a route needed for sewers, water or pathways for non-motorized travel. State government has long recognized that the PROW is needed to provide transportation, access to private property, and routes for complex sewer and water supply systems. When utility maintenance work requires excavation in a public highway, the public utility must obtain a permit from the municipality, or for state roads, the DOT, before the excavation. Conn. Gen. Stat. §16-229 states:

Any public service company incorporated under the provisions of the statutes or by special act for the purpose of transmitting or distributing gas, water or electricity or for telephone purposes, desiring to open or make any excavation in a portion of any public highway for the carrying out of any purpose for which it may be organized other than the placing or replacing of a pole or of a curb box, shall, if required by the authority having jurisdiction over the maintenance of such highway, make application to such authority, which may, in writing, grant a permit for such opening, or excavation upon such terms and conditions as to the manner in which such work shall be carried on as may be reasonable.

Conn. Gen. Stat. §16-235 also applies to distribution facilities on public roadways which states:

Control by local authorities. Orders. Appeals. Except as provided in section 16-243, the selectmen of any town, the common council of any city and the warden and burgesses of any borough shall, subject to the provisions of section 16-234, within their respective jurisdictions, have full direction and control over the placing, erection maintenance of any such wires, conductors, fixtures, structures or apparatus, including the relocation or removal of the same and the power of designating the kind, quality and finish thereof . . .

These statutes demonstrate that the incumbent local exchange companies’ (ILECs) description in this docket, of unfettered, broad easements to install and control distribution poles in the PROW is not the law of Connecticut. The statutory framework and 19th century State charters provided to these telecommunications companies, which were formerly monopolies, is more accurately akin to a “license,” not an easement, to place poles in the PROW. Just as vehicle drivers do not have unregulated passage and parking on roads, the public utility companies do not have uncontrolled use of roadways. For example, while AT&T trucks often park over sidewalks and on road travel lanes, police officers can exercise reasonable public safety authority to direct time limits and parking locations. On a busy traffic and pedestrian corner, there are instances where a telephone company employee could climb a pole instead of parking their vehicle on a busy corner. Public utility companies also do not have uncontrolled use and operation of utility poles. The control of locations and method of operation of public utility facilities is necessarily controlled by state and local governments. Detailed regulations and orders exist to direct the layout and operation of pole attachments.

The administration, maintenance, and safety of distribution poles and facilities are regulated by the PURA. This was clearly shown in dockets and orders issued in the major storm review proceedings. The PURA’s mandates from the Legislature include making certain that the physical operations of utility services operate as reliably and safely as possible, while advancing the public welfare. The monitoring and scheduling of pole attachments is essential to the provision of competitive communications services and their repairs after storm damage. The Authority has also had ongoing public and municipal complaints, and docket investigations, concerning widespread double poles where facilities are not transferred to the new poles in a timely manner. The double poles are traffic hazards, unsightly and a danger to pedestrians. The permission for ILECs to install and maintain poles, as personal property, is not unrestricted. Statutes require the Authority to direct the efficient and safe use of poles. Conn. Gen. Stat. §16‑18. The shared use of utility poles by regulated public service companies was mandated over a hundred years ago to prevent excessive proliferation of poles and spreading of wire routes. Federal and state mandates promoting cable and telecommunication services competition authorize and direct further cooperative use of poles regulated by the PURA. The PURA is granted authority to direct the use and administration of utility poles to promote public safety and to provide and promote competitive telecommunications services. Conn. Gen. Stat. §16-247h. Section 251(b)(4) of the Federal Act requires pole owners to “afford access to its poles” to “competing providers of telecommunications services.”

In light of the above, the Authority adopts the Working Group’s support that each EDC serve as the SPA in its service territory with some modifications as described below. The establishment of the SPA should promote improved, non‑discriminatory access to poles for cable television and telecommunications providers, pole replacements and upgrades and effective storm recovery.

### Performing Work in the Communications Gain

There is strong disagreement among some of the Working Group participants that the SPA be authorized to complete field surveys of the communications gain and shift telephone company, cable company, municipality or telecommunications communications facilities. WG Report, p. 10. Specifically, CL&P proposed to perform surveys of the communications gain and shift, remove and/or relocate telecommunications equipment under all circumstances if the owner of said equipment has failed to perform such work within the time frames in the Make‑Ready Decision and such failure is not excused by an event of force majeure. CL&P also proposed to use contractors that are pre-approved by the applicable telephone company, provided such approval cannot be unreasonably withheld. This would afford the SPA the ability to serve as a “traffic cop” for pole licensing and to assume responsibility of deployed facilities’ compliance with Authority requirements. Id., p. 1. UI supported the assignment of these duties to the SPA and maintained that this approach was necessary to establish a level playing field for all telecommunications’ attachers and eliminate any appearances of telephone company control of competitors' activities. Id.

Fibertech and CCM supported the EDCs’ proposal to oversee and perform shifting work in the communications gain. The OCC and municipalities advocated the ability of the SPA to fulfill its role by developing a plan to complete pole work through a "single truck roll" or at a minimum, through improved coordination. Id., p. 12. Fibertech argued that the Make-Ready Decision established the important principal that AT&T's internal licensing processes and make-ready practices for pole attachments do not preempt the PURA's authority to decide the terms and conditions for installations in the communications space on poles in the PROW. Fibertech May 30, 2013 Written Comments, p. 11.

The Communications Workers of America (CWA) asserted that CL&P and UI should not be allowed to work on AT&T-owned utility poles, except in emergencies, since the EDCs are not equipped to calculate load and guying for communications facilities. CWA Correspondence dated December 12, 2013.

AT&T argued that the current level of pole licensing activity does not support consideration of the extreme SPA proposals offered by the EDCs and thus, it is opposed to the EDC having direct control over AT&T facilities in the communications gain and over its privately owned utility poles. Aside from the PURA not having such authority, AT&T asserted that it would not surrender its management of its facilities to a third party in the manner requested by CL&P. According to AT&T, the current pole attachment agreements already provided for a pole owner to arrange for the shifting of facilities if a pole attacher delays beyond the allotted time frames. AT&T May 30, 2013 Written Comments, pp. 3-5.

AT&T also asserted that utility pole owners are in the best position to manage their own poles and have the greatest incentive to do it effectively. Such management includes requisite expertise and effective management of the human resources, whether they are utility employees or contractors. AT&T contends that the EDCs’ proposals are unnecessary and may jeopardize the efficiency currently in place. Under the CL&P proposal, the SPA in each service territory would be directing AT&T and others in the telecommunications recovery effort and the SPA would be required to manage approximately an additional 388,000 poles. Of the 388,000 poles, AT&T is custodian of and sole owner of approximately 371,000 and 17,000, respectively. Given the magnitude of emergency events in Connecticut over the past three years, it would be unwise to place such responsibility on one party. Additionally, by imposing such a structure on AT&T, the Authority would effectively be limiting AT&T’s ability to perform its own restoration, for which it is accountable, under the Authority and State law. Id.

Furthermore, AT&T contended that the CL&P proposal would have the SPA performing the engineering field survey for the telecommunications gain for not only joint poles but also for poles that are 100% owned by AT&T, in order to determine what make-ready work is required in the gain. AT&T was opposed to allowing the SPA perform these functions, because a make-ready survey involves much more. AT&T indicated that it would perform engineering field surveys of the communications gain based on the SPA's completed pole survey forms to determine what make-ready work is required, prepare the cost estimate, and advise the SPA of the details of the required work. AT&T asserted that it must perform these functions because its facilities cannot be managed by a third party that it does not supervise. Specifically, AT&T stated that labor concerns and procurement rules prevent it from allowing third parties to work on its facilities not under its supervision. Id., pp. 11 and 12, 14-16.

Currently, when a pole attachment application is submitted by an attacher, the EDC and telephone company separately perform their engineering work in the electric gain and communications gain, respectively.[[3]](#footnote-3) The engineering work by each utility is different and there is no duplication in the process. Tr. 12/3/13, p. 131. CL&P does not intend to use its electric employees to perform any work in the communications gain. Rather, it would use a pre-approved thirty-party licensed contractor to complete that work. Id., p. 29. In the opinion of the Authority, the telephone companies are the most qualified to manage and perform work in the communications gain while the EDCs are the most qualified to perform the work in the electric gain.

For example, attachments in the communications and the electric gain are made by multiple entities, and each of those entities’ equipment and facilities have different load data specifications affecting the strength of the pole. The tension on any given utility pole is dynamic, and any load changes could affect the utility pole’s structure. Pole guying is used to offset an unbalanced force exerted on the utility pole with different equipment and facilities in each gain. It requires a complex calculation and must be performed by the pole owners in their respective gains. Utility poles must be structurally sound to support heavy wire conductors and pole-mounted equipment. Additional precautions must be considered in engineering calculations when anchored in sandy or swampy grounds. Besides heavy utility equipment and facilities, pole guying must also counteract the added strains caused by the elements such as snow, ice and high winds. Thus, proper guying and anchoring of utility poles are essential.

In light of the above, the sole responsibility of managing the communications and electric gains continues to be that of the telephone companies and the EDCs, respectively. Accordingly, the Authority will require the telephone companies to work with the SPAs by continuing to manage the communications gain; identify new attacher placement locations; calculate guying and safety requirements; assign tagging requirements; identify shift moves, sequencing, bonding needs and new pole replacements; perform all of its own make-ready work; and inspect all attached facilities and notify the SPA of any required corrective work. WG Report, pp. 11 and 12.

Regarding non-AT&T facilities in the communications gain, NECTA indicated that the CATV companies currently attend field surveys and shift their own facilities. In those limited situations where a CATV company is unable to meet a deadline, NECTA will accept the SPA overseeing work completed by preapproved third party contractors. Id., p. 13.

AT&T does not object to other attachers permitting the SPA to use an approved contractor to shift non-AT&T attachments in the communications gain. However, AT&T intends to continue reviewing and inspecting any such work performed within that gain. Id., pp. 11 and 12.

The Authority supports the concept of having pre-qualified and approved telecommunications contractors that can serve as a “back stop” in the event make‑ready work is not completed in the time frame mandated by the PURA. This would enable the SPA to compel the attachers to timely perform make‑ready work and shifting of their facilities. However, this arrangement should be mutually agreed upon by the EDCs and the attachers.

Thus, the SPA can employ pre-approved third-party telecommunications contractors to perform non-telephone company work in the communications space when deadlines have been missed. Nevertheless, this should not be construed as a means to delay or neglect the attachers’ responsibilities, because if they fail to meet those deadlines, a SPA will perform the work for them. Existing pole owners or attachers will be required to continue performing their make-ready or shifting work within the Authority’s mandated time frame outlined in the Make-Ready Decision. Lastly, all work in the communications gain will continue to be inspected by the telephone companies who are managers of the communications gain.

### Utility Pole Ownership Transfer

UI proposed that the EDCs own all of the utility poles in their respective service territories and perform the necessary work in the communications gain. UI also proposed that it be authorized to purchase AT&T’s utility pole ownership rights in order to become the SPA. WG Report, p. 8. AT&T and the CWA opposed that proposal. AT&T May 30, 2013 Written Comments, p. 3; CWA Correspondence dated December 12, 2013. Absent the sale of AT&T’s ownership of utility poles, UI indicated that the two companies would continue their current practice to act as custodian and perform their own administration duties in their respective utility gains. UI Reply Brief, p. 2.

The OCC supported the UI proposal because it believed that AT&T and Verizon were selling their landline operations across the nation. OCC Brief, p. 2.

The record does not demonstrate that AT&T has mismanaged its facilities in the PROW warranting a consideration of UI’s proposal regarding the sale of AT&T’s utility pole rights. Given that AT&T has not agreed to UI’s proposal, the Authority finds this issue closed. Accordingly, the Authority will require that UI be designated the SPA and point of contact in its service territory.

### Cost Recovery

Based on the current work that CL&P performs in pole administration, including the use of the NOTIFY System, CL&P does not seek to recover any increased rental rates at this time. However, it may seek recovery of additional costs for providing additional services. WG Report, p. 19. CL&P indicated that the cost to add AT&T’s solely-owned poles to the NOTIFY System would be minimal.[[4]](#footnote-4) There will be no additional cost to utilize the NOTIFY System to track the removal of double poles and the shifting work that is unrelated to pole attachment applications. Further, there is no cost for other attachers (e.g., municipal attachers, CATV or telecommunications providers) to utilize the NOTIFY System. CL&P Late-Filed Exhibit No. 1.

AT&T estimated its annual cost to utilize the NOTIFY System to be $1,352.24 ($0.08 per pole per year x 16,903). AT&T Late-Filed Exhibit No. 6. UI estimated its cost to be between $30,000 and $40,000, not including the implementation cost. Tr. 12/3/13, p. 45.

The Working Group requested that the Authority provide guidance as to whether the Authority intends to: (i) address the question of cost recovery globally in this docket, or to (ii) defer the subject and allow any individual pole owner, which believes that additional expenses should be recovered, to submit its proposed cost recovery in a new tariff filing or future rate case as may be applicable. Id., p. 19.

Fibertech believed it would be premature for the Authority to address in this docket, a cost recovery methodology for any extra expenses incurred by the pole owners in providing improved pole administration services. Fibertech suggested that individual pole owners may submit any such proposals for cost recovery in future tariff or rate filings, as may be appropriate. However, there is no agreement among the participants as to whether additional cost recovery is warranted or how the Authority should approach this issue. The exact duties and costs to be incurred by the SPAs or the pole owners have yet to be determined, and it may turn out that the efficiencies of an improved system reduce rather than increase the pole owners’ costs. Fibertech May 30, 2013 Written Comments, p. 20. The CCM, West Hartford and NECTA also indicated that there was a possibility that appointing a SPA and using the NOTIFY System could generate cost savings. Tr. 12/2/13, pp. 13, 207, 208 and 210.

CL&P indicated that it was premature to project whether there would be any demonstrable increases or decreases in cost resulting from CL&P serving as the SPA, changing pole practices or creating new efficiencies. Tr. 12/2/13, p. 88. However, CL&P requested authorization to recover its cost of serving as the SPA.

AT&T disagreed with the notion that by implementing the SPA proposal that the process would be streamlined and reduce costs to attachers because the same work would still have to completed with an additional layer of administration and cost. AT&T Written Comments, p. 6. AT&T and UI asserted that any additional costs incurred in using the NOTIFY System or becoming the SPA should be borne by the new attachers, since those costs are not included in the current pole rental rates and those who benefit from the system should pay for any additional administration costs. WG Report, p. 18.

The OCC indicated that if the implementation of an SPA causes the EDCs to incur additional costs that cannot be reimbursed through pole attachment rental rates and make-ready expenses charged to pole attachers, they could be made whole through the rate case process. OCC May 30, 2013 Written Comments, p. 4.

In the opinion of the Authority, any direct costs resulting from the SPA process should be borne by the cost causers. Any efficiencies and operating savings gained from the revised utility pole administration process, adopted in this Decision, should be recovered from the entities involved. The SPAs will be permitted to recover the actual costs from the entity that receives the benefit from the services that they provide. Therefore, the Authority will require the SPAs to account for their costs of performing this function and recover them directly from the appropriate attachers. In the event there is a need for additional cost recovery, the Authority will examine the SPA’s request in future rate case proceedings.

### Standardized Pole Attachment Agreements

The Working Group requested that the Authority determine if all pole owners should use a standardized pole attachment agreement for their municipal and non‑municipal attachers and if the content of these agreements should conform with the approved CL&P agreements with deviations limited to those areas in which the regulatory status of the pole owner or the special needs of a particular attacher requires a different approach. WG Report, p. 17.

CL&P worked with municipal and non-municipal attachers and developed a standardized pole attachment agreement for each attacher class. These standard agreements were approved by the Authority in the CL&P Rate Case Decision. The agreements reflect the requirements of the Authority's prior rulings on pole attachments issued in the Make-Ready Decision and various engineering and operational guidelines developed by the Working Group. Id., p. 15.

Fibertech is concerned that many existing agreements with telecommunications and CATV attachers are decades old and predate the Make-Ready Decision. Consequently, they differ substantially from the standardized agreements and lack the safeguards agreed to by pole owners in Working Group discussions. Id., p. 17.

AT&T agreed to a standard municipal pole attachment agreement. AT&T indicated that it provided the Town of Glastonbury a template for a pole attachment agreement but the telephone company did not receive any feedback. AT&T believed that the best way to work through this issue is with the CCM, rather than attempting to contact each individual town. AT&T also agreed to reduce the application fees for municipalities to 50% of the current fee and planned to explore the possibility of using one municipal standard agreement for both the electric utilities and AT&T. AT&T Written Comments, pp. 10 and 11.

AT&T has not updated its non-municipal pole agreement because there have been no complaints from other telecommunications or CATV attachers. AT&T also asserted that PURA review and approval of its municipal and non-municipal agreements is not necessary or required. Id., 11 and 12. Verizon opposed a standardized pole attachment agreement in its service territory because neither Greenwich, nor non-municipal attachers have expressed any concerns about the current standard pole attachment agreement. Verizon May 30, 2013 Written Comments, pp. 1 and 2.

UI asserted that there are extensive differences between its pole attachment agreements and the CL&P agreements. Since UI has not encountered any problems using its existing documents, it will continue using its current municipal and non‑municipal attacher agreements. WG Report, p. 16.

For consistent pole attachment processes, the Authority will require that the pole owners (UI, Verizon and AT&T) update their pole attachment agreements, both municipal and non-municipal, similar to that of CL&P approved in the CL&P Rate Case Decision. In particular, the Authority will require UI, Verizon and AT&T to incorporate the requirements of the Make-Ready Decision and the safeguards agreed to by the pole owners in Working Group discussions. The Authority recognizes that a standardized municipal pole agreement is not applicable to Verizon since Greenwich is the only municipality in its service territory.

## C. Other Issues

### Temporary Attachment Guidelines

Fibertech, AT&T, UI and CL&P negotiated technical standards and adopted Temporary Pole Attachment Guidelines (Temporary Attachment Guidelines) in July 2011, with the assistance of the PURA Mediation Team. The Temporary Attachment Guidelines were used as a pilot program, for specific applications, to govern the installation of temporary attachments on utility poles, in limited circumstances, when the issuance of a license was delayed beyond the time intervals prescribed in the Make‑Ready Decision. WG Report, p. 21.

Fibertech explained that when installed properly and in the correct location, temporary attachments are safe and reliable. There have not been any problems in Connecticut with temporary attachments. Fibertech asserted that temporary attachments are not meant to be substitute for every situation or a remedy for poor utility pole management. Tr. 12/02/13, pp. 203 and 204.

CL&P, UI and AT&T testified that the program is working well and supported the Authority’s approval for the permanent use of temporary attachments. Tr. 12/02/13, pp. 80, 81; 124 and 125. Verizon has already permitted the use of temporary attachments in its service territory. Id., p. 155.

The Authority reiterates that temporary attachments are not a permanent solution and their use should not compromise safety standards or be construed as a normal practice. Temporary attachments should be replaced with permanent attachments as soon as possible. With the exception of emergency situations and when make-ready time frames are exceeded, the Authority will not permit temporary attachments to routinely be used as a “fall back” solution when the PURA‑mandated time frames for make-ready work are missed. Accordingly, the Authority hereby adopts the use of temporary attachments on a permanent basis.

### Double Poles

Double poles generally exist when the utility pole custodians install new poles adjacent to existing ones to accommodate additional facilities for electric, communication attachments, improved or expanded services. In some cases, new poles are installed to replace older or deteriorated poles or those that may have been damaged by vehicular accidents. Once a new pole is installed, and before an old pole can be removed, the transfer of facilities must generally be done from top (electric wires) to bottom (communications wires) until all wires are transferred to the new pole.

Double pole situations should only exist for the shortest period of time possible because they may present line-of-sight obstructions, particularly at intersections. Double poles near a roadway create a greater crash hazard to vehicular traffic. Old bare poles, that are no longer in service, should be removed as expeditiously as is practical. Double poles can only be reduced by more proactive support on the part of the pole attachers to transfer their facilities expeditiously.

The record shows that the number of double poles has generally decreased, but there have been some delays due to a lack of communications and coordination among pole owners and attachers in sequencing transfer of the facilities and completion of shifting attachments. UI Late-Filed Exhibit No. 3, Attachment 2; AT&T Late Filed Exhibit No. 3. CL&P indicated that the lack of its ability to access the AT&T Pole Shift Database and obtain timely management reports from that database were key factors in contributing to delays in shifting its facilities as well as delays in bare pole removal. CL&P asserted that if the company becomes the SPA, the pole administration process could become more efficient and streamlined. CL&P Late-Filed Exhibit No. 3.

The adoption of the NOTIFY System should allow the SPA to coordinate the shifting of equipment on poles and remove double poles in an expedient manner. Delay in removal of the old pole is often a result of some attachers not shifting their facilities in a timely manner. The unresponsiveness of one attacher could delay the work schedule of the attachers next in queue. Therefore, there is a collateral effect when one attacher fails to perform in a timely manner. All pole owners and attachers occupying the poles must also shift their facilities in a timely manner. In the event that double poles are not generally being remediated in a manner consistent with this requirement, the Authority will conduct an inquiry into whether any entities are not making their best efforts to transfer their facilities or perform necessary work in a timely manner.

### Additional Work

The Working Group indicated that the SPA could perform other pole-related work such as pole testing, maintenance and replacement of poles, tree trimming within the power and communications spaces, coordinating pole replacements during emergency conditions, reducing the number of double poles and shifting projects unrelated to a new attachment application. WG Report, p. 13. AT&T and NECTA asserted that it is premature to broaden the role of the SPA beyond the areas of licensing and third party attachments until the SPA was appointed. Id.

The Authority suggests that the SPAs should jointly develop a proposed plan that identifies how they intend to perform additional work to coordinate pole replacements during emergency conditions, reduce the number of double poles and conduct shifting projects unrelated to new attachment applications. In addition, they should identify the results of the additional work and other pole related projects to be entered into the NOTIFY System. The SPAs also should submit their proposed work plans to the Working Group for review and discussion, which will provide recommendations to the Authority on how the additional work should be implemented. As SPA experience develops, attachers may recommend additional work to be performed by the SPA.

### Reporting Requirements

The timeliness of attachment work has been an issue for attachers for years. To better understand and determine the magnitude of a potential problem, the Authority will require each SPA to file an initial report and subsequent quarterly reports identifying the following:

1. Number of pole attachment applications.
2. Number of attachments requested and completed
3. Number of attachment(s) that did not meet the given time frames including the number of days that it was late with an explanation for the tardiness.
4. The delinquency rate of attachers not meeting attaching deadlines.
5. Number of temporary attachments installed.
6. Number of temporary attachments removed and the number of days they were in use.
7. Annual SPA costs.
8. Annual SPA costs proposed to be recovered in a future rate case.
9. Unanticipated SPA work.
10. Any related new issues.

# Summary

The Authority has recognized the changing Connecticut telecommunications market, and it has initiated a number of proceedings mindful of the fact that the current public service company utility pole make-ready and attachment processes require review and streamlining. The Authority reiterates its position that one of the avenues of effective competition is an equitable access to the PROW. In this case, it is the utility pole structure and pole attachment processes and coordination of pole work that can enhance competition among the carriers.

The Authority also recognizes that the effectiveness of pole administration by the SPA can be implemented and significantly improved without the need for having sole ownership of a pole as proposed by UI. CL&P’s proposal does not seek sole ownership of a pole and is supported by the Working Group.

Appointment of the SPA will end the inefficient system of requiring attachers to submit dual applications with the electric and telephone companies. The Authority expects the SPA, as point of contact, to provide efficient communication, work coordination and cooperation among the attachers to effectively manage pole attachments. Use of the NOTIFY System will provide all attachers, state and local officials and utility companies with critical status information regarding priority of service restoration processes in the event of an emergency, via GIS mapping of the utility pole locations. Appointment of the SPA and use of the NOTIFY System should provide a transparent process with the utility pole owners and attachers responsible and accountable for the regulatory time frames established in the Make-Ready Decision.

In summary, the Authority adopts the Working Group’s recommendations as modified below with CL&P and UI to serve as SPAs in their respective service territories:

1. There will be no change in pole ownership.
2. The EDCs will not perform or arrange to have contractors perform work in the communications gain unless they have an agreement with an attacher to do so. All work in the communications gain must be inspected by the telephone company (as part of the pole attachment process) pursuant to the time frames outlined in the Make-Ready Decision.
3. The telephone companies should work with the SPA by continuing to manage the communications space; identify new attacher placement locations; calculate guying and safety requirements; assign tagging requirements; identify shift moves, sequencing, bonding needs and new pole replacements; perform all of its own make-ready work; inspect all facilities attached; and notify the SPA of any corrective work required.
4. When the SPA becomes aware that a Make-Ready Decision time frame will not be met, it shall notify involved attachers and the Mediation Team to determine the necessary action(s) needed to install the attachment and minimize the delay.
5. Only one pole license will be issued upon completion of all make-ready work.
6. Within 90 days of this Decision, all pole owners shall provide all necessary pole data to the respective SPAs.
7. The SPAs shall record the additional costs incurred when performing their duties so they can be recovered from the appropriate customers. The recovery of additional unreimbursed costs may be proposed in an SPA’s future rate case.
8. The SPAs should jointly develop a proposed work plan that identifies their work to coordinate pole replacements during emergency conditions, reduce the number of double poles and conduct shifting projects unrelated to new attachment applications. The SPAs should also identify the specific results of the additional work and other pole related projects to be entered into the NOTIFY System. Additionally, the SPAs should submit their proposed work plans to the Working Group for review and discussion, which will provide recommendations to the Authority on how the additional work should be implemented. As SPA experience develops, attachers and SPAs may recommend additional work to be performed by the SPA.

The Authority hereby directs CL&P and UI to finalize the SPA guidelines that incorporate all rulings made by the Authority in this Decision and begin to operate as the SPAs in their service territories by January 15, 2015. Should there be a delay for UI to implement its own NOTIFY System in its service territory, UI and AT&T shall continue to perform their duties pursuant to the current pole owner requirements until the NOTIFY System is operational. The SPAs will be required to report to the Authority on a quarterly basis on their experience in administering utility poles as outlined above.

Lastly, the Authority expects full cooperation from utility pole owners and attachers to perform their work in a safe and timely manner as specified in the Make‑Ready Decision. The Authority will take swift action and may impose fines, pursuant to Conn. Gen. Stat. §16-41 to any entity that fails to comply with the SPA’s directives and the Authority’s rulings.

# IV. Findings of FacT

1. The EDCs proposed to be the SPA in their respective service territories.
2. The Working Group is comprised of representatives of the utility pole owners, CATV companies, telecommunications services companies, state and municipalities and other interested parties.
3. The majority of participants in the Working Group support the EDCs being designated the SPA in their respective service territories.
4. UI requested to be the sole owner of the utility poles in its service territory.
5. AT&T rejected UI’s proposal to transfer ownership rights of its utility poles.
6. CL&P does not plan to use its electric employees to perform work in the communications gain.
7. The telephone companies have expertise with managing the engineering work in the communications gain.
8. The Working Group supported the NOTIFY System being established for pole licensing and administration, routine and restoration operations.
9. The NOTIFY System is a web based, database software system.
10. The NOTIFY System currently used by CL&P is built on its GIS mapping records.

# V. Conclusion and Orders

## Conclusion

The EDCs shall serve as the SPA in their respective service territories. The NOTIFY System should be used by all attachers, which is expected to result in a more efficient third party attachment process. Use of the NOTIFY System should produce data that identifies any failures to comply with the PURA-mandated time frames in the Make‑Ready Decision. Recovery of any unreimbursed costs associated with the EDCs role as the SPA will be determined in future rate cases. The Mediation Team will continue in its current role. The Working Group should reconvene to develop details and provide recommendations to the Authority to expand the duties of the SPA beyond its duties described herein.

## Orders

For the following Orders, submit an original of the required documentation to the Executive Secretary, 10 Franklin Square, New Britain, Connecticut 06051, and file an electronic version through the PURA’s website at [www.ct.gov/](http://www.ct.gov/dpuc)pura. Submissions filed in compliance with PURA Orders must be identified by all three of the following: Docket Number, Title and Order Number.

1. No later than November 5, 2014, UI shall report to the Authority the status of purchasing the NOTIFY system, the date to complete inputting all pole data and the date the NOTIFY system will be fully operational to provide pole attachment service and all other SPA services.
2. No later than November 18, 2014, the Working Group shall reconvene to discuss and develop any needed changes to the SPA guidelines.
3. No later than December 3, 2014, all pole owners shall input all their pole data into the CL&P NOTIFY System.
4. No later than December 3, 2014, AT&T shall consult with UI and prepare their pole data for input into the UI NOTIFY System.
5. No later than December 8, 2014, the EDCs shall finalize the SPA guidelines that incorporate all rulings made in this Decision and provide them to the PURA and to the Working Group for review.
6. No later than December 30, 2014, the Working Group shall provide to the Authority, any recommended changes to the SPA guidelines.
7. Effective January 15, 2015, CL&P and UI will begin to serve as the SPA in their respective service territories based on this Decision.
8. No later than February 20, 2015, the SPAs shall develop a joint proposal to perform additional work to coordinate pole replacements during emergency conditions, reduce the number of double poles and conduct shifting projects unrelated to new attachment applications and provide such to the Authority for information and to the participants of the Working Group for review.
9. No later than March 2, 2015, the Working Group shall reconvene to review the SPA proposed work plan for additional work to be performed by the SPA and provide recommendations to the Authority.
10. No later than April 15, 2015, the Working Group shall provide recommendations to the Authority concerning the additional work that should be performed by the SPAs and identify the results of the pole work that will be entered into the NOTIFY System.
11. No later than April 30, 2015, and quarterly thereafter, the SPAs shall report all items outlined in Section II.B.4 Reporting Requirements in this Decision.
12. Pole administration in the UI territory will continue under current pole owner procedures until the NOTIFY System is implemented by UI.
13. Temporary attachments shall be a permanent standard practice in accordance with the Temporary Attachment Guidelines developed by the Working Group.

DPUC electronic library location k:\finl\_dec\filed under utility type, docket no., date

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| **Docket No. 11-03-07** | **DPUC Investigation into the Appointment of a Third Party Statewide Utility Pole Administrator for the State of Connecticut** |

This Decision is adopted by the following Commissioners:

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| John W. Betkoski, III |
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| Arthur H. House |
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| Michael A. Caron |
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CERTIFICATE OF SERVICE

The foregoing is a true and correct copy of the Decision issued by the Public Utilities Regulatory Authority, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.

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|  | Nicholas E. Neeley |  | Date |
|  | Acting Executive Secretary |  |  |
|  | Public Utilities Regulatory Authority |  |  |

G. Denning

L. Levesque

1. Pursuant to Conn. Gen. Stat. §16-19j, PURA staff were designated as mediators to monitor the activities of the Working Group and their progress in reaching a consensus on a pole administration structure to facilitate utility pole attachments. [↑](#footnote-ref-1)
2. Docket No. 14-01-46, Joint Application of Frontier Communications Corporation and AT&T Inc. for Approval of a Change of Control, has been opened to investigate the acquisition of AT&T by Frontier Communications Corporation. The Authority expects to render a Decision in that docket on October 15, 2014 [↑](#footnote-ref-2)
3. The electric gain is typically located on the upper seven feet of a utility pole and is reserved for electric power line facilities. Below the 7-foot spacing is a 40-inch neutral zone. The neutral zone is required by the National Electrical Safety Code to provide adequate work space clearance for the safety of utility company employees working on the pole and to separate the electric power lines from those attached in the communications gain. The communications gain is comprised of a number of attached facilities for purposes of communications. Within the communications gain are facilities (in order of attachment) for state and/or municipal purposes (municipal gain), CATV and other telecommunications providers. The facilities located at the bottom of the communications gain, approximately 15.5 feet above ground level, are owned by the telephone companies. [↑](#footnote-ref-3)
4. Cost information was filed under Protective Order. [↑](#footnote-ref-4)