



STATE OF CONNECTICUT
NEWS RELEASE

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**CONSUMER COUNSEL STATEMENT TO THE PURA ABOUT POLE
ADMINISTRATION ISSUES IN DOCKET 11-09-09 REVIEW OF THE PUBLIC
SERVICE COMPANIES' RESPONSE TO 2011 STORMS**

Good morning, and thank you for the opportunity to appear before you today. This hearing is about the public rights of way – specifically the poles and wires that crisscross our communities bringing electricity, telephone, and other vital services to Connecticut citizens. The problems with the administration of these rights of way have been the subject of many prior proceedings, and many hours of testimony. Unfortunately, the two storms demonstrated that the existing system for managing the poles and wires in our public rights of way is inept, disjointed, and potentially dangerous to our state. Just last week, for example, you heard from municipal officials how they struggled to identify the owners of broken poles during the storms, and to get poles replaced and wires restrung during one of the greatest natural disasters of this generation. In fact, a Tolland official spoke of the town's need to secure its own pole just to get the electricity running to a vital circuit. I am thus here on behalf of Connecticut ratepayers – its citizens, municipalities, businesses – asking that you take steps to address this situation.

The collapse of the utility system in many communities across Connecticut and the disorganized restoration response in the public rights of way evident in the days following the two storms was an economic disaster and created public safety dangers to the citizens and property of this state. The clear evidence littering the streets and property of scores of municipalities, homes, and business establishments due to the storms truly highlights the critical need for immediately improving the management of the public rights of way.

The current pole management system was thoroughly tested, subsequently investigated, and proved to be dangerously inadequate to the tasks required of it during the storms. In the ordinary course of business, as well, the existing process often leads to unnecessarily lengthy, cumbersome, and expensive proceedings in order to address business practices that are not responsive or supportive of the utility and competitive telecommunications markets existing in Connecticut.

A more responsive management system for the public rights of way is urgently needed. For this reason, the OCC filed testimony in this Docket proposing a system of enhanced pole administration to be exercised by the Public Utilities Regulatory Authority (PURA) that would incorporate the basic idea of a working group with strict deadlines for resolution of complaints through an expedited process regulated by PURA's existing statutory authority.

OCC's testimony was intended to be a "Call For Action" detailing issues of organization relating to equipment attachments and emergency restorations, but with only a general outline of the specific methods and processes to be implemented to better manage the PROW. Our testimony expressly stated that all of the work on the poles that is done today – construction, make ready, maintenance, attachment, inspection, company record-keeping, communication between attachers, human resource management, etc. – would not be performed by PURA, but must still be done by the Pole Owners and various attachers. What we are seeking is oversight and enforcement, not a regulatory takeover by the state.

The OCC is thus delighted that CL&P and UI have both responded to its Call For Action with proposals to become the single pole administrator in their respective service territories. While the time is certainly right for the state utility regulator to take a more active role in the PROW management process, the resulting system could be far more efficient and successful if the mechanics are handled by the utilities that have the personnel, experience, and indeed the greatest motivation for accomplishing positive results.

As stated by the electric utilities, since they do not provide competitive telecommunications services and are thus neutral parties in that industry, their assumption of pole management as the single point of contact for pole attachers will remove any appearance of a potential existing competitive advantage held by incumbent telephone companies among telecommunications providers. This adds an important element of fairness that has been missing from the PROW.

While much planning work needs to be done by PURA, the utilities, the municipalities, and all the parties interested in reorganizing the administration of the public rights of way, the OCC is certain that the issues can be quickly resolved since the possibilities for success by pursuing this proposed course are so evident. Issues such as cost reimbursement and pole ownership may loom as discussion points, but we believe the parties and PURA can proceed expeditiously to resolve those questions and implement a management process resulting in efficient coordination of pole activities among utilities, municipalities, and other stakeholder parties.

It is our view that those who use the public rights of way have a responsibility to ensure that their use will ultimately serve the good of the public. These rights of way – across our yards, along our streets, and throughout our cities and towns – were not designed merely as instruments of corporate profit or business development. So while we respect and appreciate the investment by our utilities in the rights of way, we ask that you work towards a system for managing the rights of way that has as its primary focus the safety, convenience, and needs of the public.

The OCC anxiously awaits the start of discussions and pledges to devote the energy and time required to help make this organizational change a reality for the benefit of the state and all its citizens and businesses.

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The Office of Consumer Counsel (OCC) is the State of Connecticut's advocate for all utility ratepayers. OCC seeks to ensure just and reasonable rates and reliable utility service for customers of Connecticut's electric, gas, telephone, and water utilities and reasonable protection for cable television customers. For more information, visit www.ct.gov/occ.