



SECTION 7: THE TELECOMM. & UTILITY POLE SECTOR

4.7M COMMUNICATIONS LINES

Since the mid-1990s, both wireless and wireline telecommunications in Connecticut have been largely deregulated under state and federal law. Most telecommunications services, including cellular service, local and long-distance calling, “800” services, and voice over internet protocol (VOIP), are not subject to rate or quality regulations.

Connecticut customers can obtain telecommunication services from The Southern New England Telephone Company (Frontier Communications of Connecticut), which is the primary incumbent local exchange carrier, or from any number of Competitive Local Exchange Carriers (CLECs), or even from cable companies.

PURA continues to provide regulatory oversight of what is referred to as Plain Old Telephone Service (POTS), which is the traditional, analog voice transmission over copper wires. This service, however, has been largely replaced as customers have migrated towards more sophisticated competitive services.

PURA also plays an important role in promoting a competitive telecommunications market through its regulation of public rights-of-way and utility poles, which support a substantial portion of the state’s telecommunications infrastructure. With rapid advances in communications technology, PURA endeavors to maintain a regulatory scheme that facilitates equitable and timely access to these critical assets. Further, the CBYD program, discussed in Section 5 and overseen by the Authority, ensures that excavations related to underground telecommunications facilities are done safely and in coordination with other relevant utilities.

Finally, PURA is also responsible for determining and approving funding for public and community technology and telecommunications resources such as Connecticut’s

Enhanced Emergency 911 (E-911) program and community access television. These services are critical elements of Connecticut's infrastructure, providing education, and emergency support, and enhancing First Amendment rights for Connecticut's citizens.

KEY TELECOMM & UTILITY POLE TOPICS IN 2023

Enabling Broadband

In 2021, Public Act 21-159, An Act Concerning Equitable Access to Broadband, directed the state to begin promoting the build out of highspeed broadband internet service, particularly in underserved communities, such as rural communities, urban centers, or low-income areas. This Act also specifically directed PURA to develop a process and set of requirements for broadband providers that want to deploy certain underground telecommunications infrastructure in the public rights-of-way. Such requirements include:

1. The size of such conduit shall be consistent with industry best practices and sufficient to accommodate potential demand;
2. Any handholes and manholes for fiber optic cable access and pulling with respect to each such practice shall be placed at intervals consistent with industry best practices;
3. Such conduit shall be installed with a pull tape and capabilities of supporting additional fiber optic cable;
4. The applicant shall notify telecommunications service providers and broadband Internet access service providers of the proposed excavation to reduce the potential for future street excavations in the same location;
5. Any requesting telecommunications service provider or broadband Internet access service provider shall be able to access such conduit on a competitively neutral and nondiscriminatory basis and for a charge not to exceed a cost-based rate;
6. The applicant shall report to the Authority upon completion of any approved construction verifying that it has complied with the provisions of this subsection; and
7. Any other condition deemed prudent and reasonable by the Authority.

On January 14, 2022, PURA issued a notice of proceeding in Docket No. 21-12-21, PURA Implementation of Process and Procedures for Conduit Excavations for Telecommunications Service Providers and Broadband Internet Access Service Providers, pursuant to the requirements of Public Act 21-159. On February 8, 2023, PURA issued a Decision establishing a formal application and approval process for the coordination of construction of conduit excavations in the public rights-of-way by telecommunications and broadband providers. This process, as was intended by Public Act 21-159, will ensure that underground telecommunications and broadband facilities are deployed with

efficiency and care, both minimizing deployment costs and disturbances in the public right-of-way (i.e., fewer instances of streets and sidewalks being dug up). Additionally, this application process will help ensure a competitively neutral and nondiscriminatory process that promotes timely construction of underground excavation while reducing the potential for future excavations.

Specific components that help to achieve these outcomes include a five-year moratorium on underground excavations on certain CTDOT-noticed construction and maintenance projects to ensure the viability of new construction, and a notification deadline to ensure that all broadband providers have the opportunity to review proposed excavations so as to minimize future excavations.

This process formally took effect as of the date of the Final Decision. Applications submitted in compliance with this process have been filed in Docket No. 23-02-03, [Application of Conduit Excavation and Notification Process for Telecommunications Service Providers and Broadband Internet Access Service Providers](#),

since that date. In 2023, PURA reviewed and approved 118 applications for conduit excavations statewide, helping to support the deployment of broadband infrastructure.

Additional Conduit Excavation Resources

- [Final Decision](#)
- [Conduit Excavations Applications](#)

Utility Pole Safety

Utility poles support many services required by modern society including broadband attachments, telephone service, and electric distribution wires. Their common placement throughout communities helps to make these services accessible for millions of residents and businesses. However, given utility poles' proximity to where people live and work, structurally compromised poles can present a significant risk to public safety. Proper and regular maintenance procedures are therefore essential to ensuring safety for all.

An ongoing issue related to poles in Connecticut are the existence of "double poles" that result from inefficient pole maintenance and replacement. The term "double poles" refers to instances when a replacement pole is installed next to an existing pole, but the existing pole removal is not completed. Not only are double poles an aesthetic issue, but they can present public safety hazards. The most common cause of this condition is that all the attachments on the existing pole have not been transferred, which can be hindered by the fact that they must be transferred to the new pole sequentially before the original pole can be removed. If all the attachments are not transferred in a timely manner, the new and old pole may exist together for an extended period of time.

Previous requirements placed the responsibility of transferring a pole attachment on the attachers themselves, but authorized the pole custodian to transfer the facilities if the attachers did not meet the required deadline. If the pole custodian did not comply with the deadlines, they would be subject to fines. Notwithstanding this rule, the number of

double poles throughout the state swelled to 24,672 by June 1, 2022, with over 15,000 of those in delayed status.

In December 2022, the Authority approved a pilot program through its Final Decision in Docket No. 21-07-29, [Single Visit Transfer Process for Double Poles](#), (SVT Decision) to test a “single visit transfer” process (SVT Pilot Program) over a six-month period in six communities around the state (three in Eversource territory and three in UI territory). This pilot was implemented by a mutually selected contractor to make all simple transfers on double poles in those six communities, while collecting data on the status and cause of delays related to poles.

EOE filed its report on progress made, lessons learned, and any modifications during the pilot phase on August 22, 2023. EOE surveyed stakeholders involved in the SVT Pilot Program including Eversource, UI, Frontier Communications of Connecticut, New England Cable and Telecommunications Association, Inc. (NECTA), Rocky Mountain Fiber Plus (Rocky Mountain), Charter Communications Entertainment I, LLC (Charter), Comcast of Connecticut (Comcast), NetSpeed, LLC (NetSpeed), Crown Castle Fiber, LLC (Crown Castle), and Lumen Technologies, Inc. (Lumen). The survey revealed that the SVT Pilot Program was largely successful over the six-month test period. There were no safety issues, no unscheduled customer interruptions, no traffic control issues, and most importantly, double poles had been significantly reduced in the six pilot communities. Further, the contractor retained to implement the pilot was able to address both simple and complex transfers, and successfully coordinated with pole attachers and the EDCs.

An additional concern is the cost and responsibility of ensuring that all pole transfer data, both pre- and post-work, is accurately documented. Both EDCs have indicated that while it is reasonable for them to be responsible for updating the database, an SVT Program at scale would be a significant undertaking and could harm ratepayers. Ideally, the contractor conducting pole transfers would be able to perform this data recording. Unfortunately, the database currently in use does not support this kind of user interface; and EOE therefore recommended that the Pole Attachment Working Group continue to discuss what modifications to the database are achievable to facilitate efficient updates and allow contractors to engage with it.

Additional SVT Program Resources

- [SVT Decision](#)
- [SVT Pilot Program Report](#)

In compliance with the direction in the Authority’s SVT Decision, EOE will submit another update on the SVT Pilot Program no later than February 22, 2024.

Ensuring Continuity of Public Telecommunication Resources

In addition to supporting the deployment of broadband and ensuring the structural safety of the poles throughout the State, the Authority determines and approves funding for important public services each year including State-directed technology education grants, Connecticut’s Enhanced Emergency 911 (E-911) program, and community access television.

PEGPETIA

In 2007, the General Assembly established the Public, Educational and Governmental Programming and Education Technology Investment Account (PEGPETIA) program to promote and improve public, educational, and governmental programming and to support education technology initiatives through the enactment of Public Act 07-253, An Act Concerning Competitive Video Services. This account is funded by a quarterly tax on the gross earnings of video service providers, while the Authority is responsible for determining the allocation of accumulated funds into the account and administering grants to eligible entities.

Each year, PURA opens a proceeding where it accepts applications for funding. The Authority opened Docket No. 22-10-02, Allocation of Public Educational and Governmental Programming and Education Technology Investment Account Pursuant to Conn. Gen. Stat. Sec. 16-331cc, to distribute \$7,741,331 in available funding. This amount represents an unusually significant increase over prior annual funding, which generally ranges from \$2 - \$3 million. Given the magnitude of deviation, the Authority opted to distribute \$7,200,000 in grants and to reserve the remainder for potential accounting or funding variances.

Fifty percent (50%) of this amount, or \$3,600,000, is allocated to local community television councils, the state-wide video advisory council, public, educational, and governmental programmers and public, educational, and governmental studio operators; the other 50% is allocated to boards of education or other entities offering education technology initiatives. In the event that the total amount requested by eligible applications for one category is less than 50%, and the other is greater, PURA may reallocate excess funds to the other category.

The Authority received a total of 92 applications. The Authority delegated the review of the applications to EOE and directed that office to file a motion with a draft proposed decision. EOE filed the motion on May 11, 2023, finding 89 of the 92 applicants to be eligible with 31 seeking a total of \$3,055,535 for “public, educational and governmental” programming (PEG Grants) and 58 seeking a total of \$6,647,582 for “education technology initiatives” (ETI Grants). Because the requests for PEG Grants were less than the \$3,600,000 available for PEG Grants, the Authority used the residual for ETI Grants. Table 14 below summarizes the allocation of funding. A complete list of awardees and the amount of funding received is available in the decision.

Additional PEGPETIA Resources

- [2023 PEGPETIA Final Decision](#)

Table 14: 2023 PEGPETIA Requests, Funding, and Awards

Grant Type	Total Request	Funding Available	Awarded
PEG	\$3,055,535	\$3,055,535	\$3,055,535
ETI	\$6,647,582	\$4,144,465	\$4,061,070
Total	\$9,703,117	\$7,200,000	\$7,116,605

E911 Program

The Authority is statutorily responsible for determining the amount of the monthly fee to be assessed on each telephone service, commercial mobile radio service (CMRS or wireless), customer-owned coin operated telephone (COCOT) service, and Voice over Internet Protocol (VoIP) subscriber to fund the administration of the E-911 program. PURA bases this fee on:

- 1.The operating budget established by Department of Emergency Services and Public Protection (DESPP), taking into consideration any existing moneys available in the Enhanced 9-1-1 Telecommunications Fund;
- 2.A progressive wire line inclusion schedule (excluding CMRS) that considers “the final report of the task force to study enhanced 9-1-1 telecommunications services established by public act 95-318;” and
- 3.A maximum fee of \$0.75 per month per access line.

The Authority calculates the E-911 monthly assessment fees for non-CMRS customer accounts with multiple lines using a progressive schedule. In other words, the more lines on an account, the less the account pays per line. Telecommunications companies report the total number of accounts based on number of lines to PURA, while DESPP reports the annual operating budget for the E-911 program. Examples of expenses comprising this budget include database services, network management and maintenance, translation services, regional telecommunications centers, and training. Using these values, PURA can calculate a per-line monthly fee necessary to fund the program.

In Docket No. 23-01-05, Annual Assessment Proceeding to Fund the Development and Administration of the Enhanced Emergency 911 Program – 2023, using the telecommunications companies’ provided line numbers and the 2024 E-911 budget of \$36,246,091 provided by DESPP, PURA calculated a single-line fee of \$0.68 per month. Accounts with more than one line pay a lower rate per line on a progressive scale, as low as \$0.14 per line. The \$0.68 per line fee is a two cent decrease over the previous year.

Annual Community Access Support Review

Public access television programming provides benefits that are not necessarily easily quantified but are nonetheless important public services, such

Additional E911 Program Resources

- [2023 E911 Decision](#)

as enhancing a sense of community and First Amendment rights. Connecticut law requires multichannel television companies (e.g., cable or satellite television), referred to as “multichannel video programming distributors” (MVPDs) to fund public community access programming (CAP) by assessing a baseline \$5 per year charge on each of their customers. The Authority is responsible for determining whether this charge should be adjusted each year to reflect any increase or decrease in the consumer price index (CPI) in the previous year.[1]

Further, the Authority can adjust the community access subscriber fee amount for each MVPD within a range of 40% above or below the statutory benchmark, as adjusted for inflation, based on the following criteria:

- The level of public interest in community access operations in the franchise area;
- The level of community need for educational access programming;
- The level and breadth of participation in community access operations;
- The adequacy of existing facilities, equipment and training programs to meet the current and future needs of the franchise area; and
- Any other factors determined to be relevant by the Authority.

Through Docket No. 23-01-06, Annual Community Access Support Review, PURA conducted this analysis of the subscriber fee amount for each MVPD that took effect on July 1, 2023. Using data from the Bureau of Labor Statistics, PURA found that the 2022 rate of inflation as measured by the CPI for the Northeast Urban Region is 6.11%. To determine the +/-40% range within which the per subscriber amount can be set, the Authority adjusts the original statutory \$5 per subscriber amount for inflation. In the Decision in Docket No. 21-07-26, The Public Utilities Regulatory Authority Annual Community Access Support Review (2022 Decision), the Authority found that the statutory amount as adjusted for inflation was \$8.95. To this amount, an additional \$1.25 was added by the 2022 Decision making the total \$10.20.[2]

Applying 6.11% for 2022 CPI inflation to the prior year statutory amount of \$10.20 equates to a subscriber fee of \$10.82 for 2023. Forty percent of \$10.82 is \$4.33. Consequently, the community access support per subscriber for each MVPD must be between \$6.49 (\$10.82 - \$4.33) and \$15.15 (\$10.82 + \$4.33). The Final Decision in Docket No. 23-01-06 calculates the 2023 subscriber fee for each MVPD, applying an increase of 6.11% for inflation. The subscriber fees for each MVPD are within the statutory range identified above.

PURA Study of Community Access Operations

In 2022, PURA initiated a study at the legislature’s direction in Docket No. 22-06-26, PURA Study of the Operations of Certified Third-Party Nonprofit Community Access Programming Providers, (CAP Study) to examine community access operations and current funding structures and to provide analysis and recommendations related to the state-wide consolidation of community access operations. The Authority considered,

among other things, the degree of financial support provided by the communities served by the community access organizations, the appropriateness of community access organization personnel salaries, and the degree of support provided to the community access organizations through moneys made available pursuant to Conn. Gen. Stat. § 16-331cc.

On December 15, 2023, PURA submitted its final report to the Energy & Technology Committee of the Connecticut General Assembly. Key findings include that declining cable subscribership numbers are impacting funding for non-profit CAPs, but also that existing MVPD subscriber viewership of PEG programming provided by CAPs is significantly lower relative to for-profit broadcasters such as NBC, CBS, ABC, and Fox. Therefore, if CAPs are to continue to exist in their current form, the funding mechanism will need to be revised.

As a result of these findings, the CAPs Study outlines various potential solutions to reduce the operating costs of CAPs including the consolidation of CAPs, replacing CAPs with internet-based sharing platforms, and the elimination of cable-run CAPs in favor of non-profit CAPs. The CAP study also considered alternative funding sources such as applying the subscriber fee to both streaming internet television services and cable subscriptions. These options all require statutory changes and will require the careful evaluation and consideration by the General Assembly.

Additional Community Access Provider Review Resources

- [2023 Community Access Final Decision](#)
- [2023 Study of Community Access Operations](#)

[1] Conn. Gen. Stat § 16-331a(k).

[2] The 2022 Decision allowed MVPDs to opt out of this additional fee.

2023 TELECOMM. & UTILITY POLE SECTOR DECISIONS

Docket Number	Title	Decision Date
22-11-02	Application of Cellco Partnership d/b/a Verizon Wireless for Approval of a Construction Plan to Install Wireless Facilities Within Certain Public Rights-of-Way - MERRITT PKWY	1/11/2023
19-02-28	Application of Crown Castle Fiber, LLC for Approval to Install Facilities Under and Over Certain Public Rights-of-Way	1/25/2023 3/29/2023 4/19/2023 5/17/2023 6/07/2023 8/09/2023 9/13/2023 10/25/2023
21-12-21	PURA Implementation of Process and Procedures for Conduit Excavations for Telecommunications Service Providers and Broadband Internet Access Service Providers	2/8/2023
18-06-13	Application of New Cingular Wireless Pcs, LLC For Approval of a Construction Plan to Install Wireless Facilities Within The Public Rights-Of-Way	3/08/2023 4/26/2023 7/12/2023 8/02/2023 9/06/2023
23-01-09	Application of New Cingular Wireless PCS, LLC for Approval of a Construction Plan to Install Facilities Under and Over Certain Public Rights-of-Way - Waterbury 325	3/22/2023
22-10-20	Application of Cellco Partnership d/b/a Verizon Wireless for Approval of a Construction Plan to Install Wireless Facilities Within Certain Public Rights-of-Way - SHELTON SC 14 CT	4/5/2023

Docket Number	Title	Decision Date
23-02-10	Application of TIME CLOCK SOLUTIONS, LLC for Certificate of Public Convenience and Necessity to Provide Resold Local Exchange Interexchange Telecommunications Services	4/5/2023
22-12-03	Application of Cellco Partnership d/b/a Verizon Wireless for Approval of a Construction Plan to Install Wireless Facilities Within Certain Public Rights-of-Way - BERLIN SC 4 CT	4/19/2023
23-02-04	Application of Cellco Partnership d/b/a Verizon Wireless for Approval of a Construction Plan to Install Wireless Facilities Within Certain Public Rights-of-Way - WILTON SC13 CT	4/19/2023
23-02-13	Application of Cellco Partnership d/b/a Verizon Wireless for Approval of a Construction Plan to Install Wireless Facilities Within Certain Public Rights-of-Way - NEW CANAAN SC27 CT	4/19/2023
23-02-14	Application of Cellco Partnership d/b/a Verizon Wireless for Approval of a Construction Plan to Install Wireless Facilities Within Certain Public Rights-of-Way - GLASTONBURY SC12 CT	4/19/2023
23-02-16	Application of Cellco Partnership d/b/a Verizon Wireless for Approval of a Construction Plan to Install Wireless Facilities Within Certain Public Rights-of-Way - WETHERSFIELD SC6 CT	4/19/2023
23-03-04	Application of Cellco Partnership D/B/A Verizon Wireless for Approval of a Construction Plan To Install Wireless Facilities Within Certain Public Rights-Of-Way - Cromwell SC10 CT	4/19/2023
22-10-02	Annual Allocation of Public Educational and Governmental Programming and Education Technology Investment Account Pursuant to Conn. Gen. Stat. § 16-331cc	5/31/2023
23-01-05	Annual Assessment to Fund the Development and Administration of Enhanced Emergency 911 Program	5/31/2023

Docket Number	Title	Decision Date
23-02-06	Application of Cellco Partnership d/b/a Verizon Wireless for Approval of a Construction Plan to Install Wireless Facilities Within Certain Public Rights-of-Way - NEW CANAAN SC23 CT	5/31/2023
23-05-74	Application of Cellco Partnership D/B/A Verizon Wireless For Approval of a Construction Plan To Install Wireless Facilities Within Certain Public Rights-Of-Way - Greenwich CT Sc36	5/31/2023
23-06-54	Application of Cellco Partnership D/B/A Verizon Wireless For Approval of a Construction Plan To Install Wireless Facilities Within Certain Public Rights-Of-Way - Enfield Sc3 CT	5/31/2023
23-04-23	Application Of Cellco Partnership D/B/A Verizon Wireless For Approval Of A Construction Plan To Install Wireless Facilities Within Certain Public Rights-Of-Way - Darien Sc21 CT	6/7/2023
23-05-75	Application Of Cellco Partnership D/B/A Verizon Wireless For Approval Of A Construction Plan To Install Wireless Facilities Within Certain Public Rights-Of-Way - Greenwich Ct Sc33	10/25/2023
22-06-26	PURA Study Of The Operations Of Certified Third-Party Nonprofit Community Access Programming Providers	12/15/2023

A comprehensive list of PURA 2023 decisions is available in Appendix 2, attached to this Report.