



SECTION 6: THE TELECOMM. & UTILITY POLE SECTOR

4.7M COMMUNICATIONS LINES | 19 2022 DOCKETS

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 4 and overseen by the Authority, ensures that excavations related to underground telecommunications facilities are done safely and in coordination with other relevant utilities.

KEY TELECOMM & UTILITY POLE TOPICS IN 2022

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. Throughout 2022, the Authority made progress in advancing both below- and above-ground broadband infrastructure deployment, as demonstrated below.

Below-Ground Broadband Infrastructure

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. Following a Technical Meeting and Hearing held in August and September 2022, respectively, PURA issued a proposed final decision on January 10, 2023. The Authority anticipates that a final decision will be approved on February 8, 2023, and will establish 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).

Above-Ground Broadband Infrastructure

The Authority also made significant progress in 2022 in adopting policies to promote above-ground broadband infrastructure deployment. Specifically, PURA approved a process for improving the pole attachment process for above-ground broadband and advanced telecommunications infrastructure in Docket No. 19-01-52RE01, PURA Investigation of Developments in the Third-Party Pole Attachment Process - Make-Ready. Before the decision in this docket was issued on May 11, 2022, Connecticut was operating under a 90-day process for preparing existing utility poles for new, third-party broadband and telecommunications attachments.

Though the original 90-day process was designed to allow enough time for efficient attachment of third-party infrastructure to existing poles, over time a significant backlog of pole attachment applications had accrued – particularly during the “Engineering Phase” of the process. To address this, the Authority approved an optional process for attachers to utilize pre-approved contractors to perform all Engineering Phase work and to submit the application to the single pole administrator (SPA) for review, as described in the Authority’s Decision dated May 19, 2021 in Docket No. 19-01-52, [PURA Investigation of Developments in the Third-Party Pole Attachment Process.](#)[1]

Docket No. 19-01-52 also uncovered a number of additional matters in need of further investigation to reduce delays. As a result, PURA opened Docket No. 19-01-52RE01, [PURA Investigation of Developments in the Third-Party Pole Attachment Process – Make Ready.](#) on June 3, 2021. This reopener specifically focused on establishing a new attachment application process, investigating cost allocation among the various parties involved in the attachment process, and addressing small cell antennas and wireless attachments in the self-help framework.

On [May 11, 2022, PURA issued its final decision](#) in the re-opened proceeding, which finalized and approved a new “One-Touch-Make-Ready” process, reducing the overall timeline from 90 days to between 43 and 58, in line with Federal Communications Commission timelines. The decision also modified the application fee structure, updated the timelines for processing applications, and established an accelerated dispute resolution process.

These decisions are critical, not only because they improve the existing pole attachment processes, but because they will help facilitate the deployment of necessary internet services to those in most need. As an example, DEEP noted in Docket No. 19-01-52RE01 the \$20 million in American Rescue Plan Act (ARPA) funding it received to expand broadband to underserved and low-income communities. Continued delays in the pole attachment process would inhibit the ability to deploy those funds and unnecessarily delay or reduce the benefits realized by those communities.

Broadband Infrastructure Related Resources

- [Public Act 21-159, An Act Concerning Equitable Access to Broadband](#)
- [19-01-52RE01 Third Party Pole Attachment Decision](#)
- [Ongoing Conduit Excavation Docket](#)

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.

In 2022, PURA issued two decisions addressing utility pole safety: [Docket No. 21-11-05](#), PURA Investigation into Complaint regarding Unsafe Utility Poles in Avon and Simsbury, and Docket No. 21-07-29, [Single Visit Transfer Process for Double Poles](#). Both decisions help to streamline the process of removing structurally compromised poles and placing a new one in service as quickly as possible.

Structurally Compromised Poles

Docket No. 21-11-05 was initially launched in response to a request from PURA's EOE to both investigate whether certain broken or damaged utility poles in Simsbury and Avon, Connecticut posed a danger to public safety, and to establish a standardized process for pole custodians to evaluate the structural integrity of a broken or damaged pole. Prior to this proceeding, each pole custodian (e.g., Eversource, UI, Verizon, Frontier, etc.) identified structurally compromised utility poles using their own internal processes, which varied between companies. Accordingly, the Authority found that a standardized process was needed to ensure that all pole custodians address structurally compromised poles in a consistent and reliable manner. This would also allow the Authority to provide more timely information to individuals who submit complaints regarding potentially structurally compromised poles. Thus, on July 6, 2022, PURA issued a decision establishing a process that results in all poles identified as potentially structurally compromised being inspected within 48 hours of the complaint being filed, and the status of the pole updated shortly after the inspection of the pole. Additionally, the decision requires the replacement of all poles identified as structurally compromised within 10 days of the initial complaint being filed either directly with the pole custodian or EOE.

Double Poles

Docket No. 21-07-29 addressed a related issue known as "double poles" that results 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.

As such, PURA initiated this proceeding to establish a “single visit transfer” (SVT) process. The Authority directed the Policy Working Group established by the May 11, 2022 Decision in Docket No. 19-01-52RE01 to propose a resolution to the double pole issue by September 15, 2022. Subsequently, on [December 21, 2022, the Authority approved](#) an SVT Pilot Program to be implemented over a six-month period in six communities around the state. This pilot will be implemented using 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.

The Authority is hopeful that the implementation of the SVT Pilot Program will lead to an efficient, practical, and long-term solution to double pole removal throughout the state. The Authority has directed EOE to report progress made, lessons learned, and any modifications every six months over the course of 2023. Additionally, in order to ensure that double poles continue to be removed in towns outside the pilot towns, PURA continues to require pole custodians to remove:

1. All double poles within eighteen months starting from the time a new pole was installed or within six months after all facilities have been shifted, whichever is earlier; and
2. Double poles located along high traffic roadways within twelve months of installation of a new pole or six months after transfer of facilities, whichever is earlier.

Failure of pole custodians to comply with these rules may subject them to civil penalties pursuant to Conn. Gen. Stat. § 16-41(a). Further, the Authority has discretion to prescribe a civil penalty of up to \$10,000 for each offense, where in the case of a continued violation, each day thereof shall be deemed a separate offense. As the backlog of double poles has long since become untenable, the Authority will carefully monitor for compliance with

the above timelines in 2023.

Last, the Authority will continue to implement a 45-Day Transfer Standard for attachers, requiring them to transfer their attachments within 45 days. To enforce this, the Authority directed Pole Custodians to file a compliance filing every six months regarding delayed attachment transfers, which the Authority will use to determine whether civil penalties are necessary and appropriate.

Utility Pole Safety Related Resources

- [21-11-05 Unsafe Utility Poles Investigation Decision](#)
- [21-07-29 Double Poles Decision](#)
- [19-01-52RE01 Third Party Pole Attachment Decision](#)

[1] SPAs serve as the single point of contact for attachers and are responsible for receiving applications, overseeing the Engineering Phase, issuing make-ready estimates, collecting payments, coordinating make-ready work, and issuing pole attachment licenses.

2022 TELECOMM. & UTILITY POLE SECTOR DECISIONS

Docket Number	Title	Decision Date
21-04-06	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 - WHD SMAINST 550 CT	2/2/2022
21-11-12	Application of New Cingular Wireless PCS, LLC for Approval of a Construction Plan to Install Wireless Facilities Within the Public Rights-of-Way - Southport - Fairfield	3/2/2022
22-01-17	Application of MCImetro Access Transmission Services LLC - Customer Migration/ Exit Plan	3/9/2022
18-03-37	Application of MCImetro Access Transmission Services Corp. for Approval to Install Facilities Within Certain Public Rights-of-Way	3/23/2022
21-11-14	Application of New Cingular Wireless PCS, LLC for Approval of a Construction Plan to Install Wireless Facilities Within the Public Right-of-Way - Stamford	4/6/2022
22-03-14	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 - CHESHIRE SC04 CT	4/27/2022

Docket Number	Title	Decision Date
21-10-05	PURA Review of the State of Connecticut Telecommunications Relay Service 2022 - 2027	4/27/2022
21-10-13	Allocation of Public Educational and Governmental Programming and Education Technology Investment Account pursuant to Conn. Gen. Stat. § 16-331cc	4/27/2022
19-01-52RE01	PURA Investigation of Developments in the Third Party Pole Attachment Process - Make Ready	5/11/2022
21-07-28	OCC Request to PURA to Open Docket Re: PEG Access Consolidation Norwich & Old Lyme	5/18/2022
22-01-05	Annual Assessment Proceeding to Fund the Development and Administration of the Enhanced Emergency 911 Program - 2022	6/1/2022
21-07-26	The Public Utilities Regulatory Authority Annual Community Access Support Review	6/1/2022
21-11-05	PURA Investigation into Complaint regarding Unsafe Utility Poles in Avon and Simsbury	7/6/2022
22-02-10	2022 PURA Review of Connecticut Public Service Company Emergency Response Plans	8/31/2022
22-06-27	Application of New Cingular Wireless PCS, LLC for Approval of a Construction Plan to Install Wireless Facilities Within Certain Public Rights-Of-Way - Greenwich 420	10/26/2022

Docket Number	Title	Decision Date
21-07-29	Single Visit Transfer Process for Double Poles	12/21/2022
17-02-49	PURA Formalization of Small Cell Antenna Applicant Processes and Procedures to Construct Facilities in Connecticut’s Public Rights-of-Way	1/5/2022 1/26/2022 2/2/2022 2/9/2022 4/6/2022 4/6/2022 4/13/2022 4/27/2022 5/4/2022 5/18/2022 8/10/2022 8/10/2022 9/28/2022 9/28/2022 11/23/2022 12/21/2022
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	3/16/2022 3/16/2022 4/20/2022 9/7/2022 12/21/2022
19-02-28	Application of Crown Castle Fiber, LLC for Approval to Install Facilities Under and Over Certain Public Rights-of-Way	2/9/2022 2/23/2022 4/6/2022 6/1/2022 7/6/2022 9/21/2022 11/23/2022 11/23/2022

A comprehensive list of PURA 2022 decisions is available in Appendix 2, attached to this Report.