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March 26, 2018

Via ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: *Ex Parte* Filing of the American Cable Association on Accelerating Wireline
Broadband Deployment by Removing Barriers to Infrastructure Investment,
WC Docket No. 17-84**

Dear Ms. Dortch:

On March 22, 2018, representatives of American Cable Association (American Cable Association (“ACA”) members --

- Dick Beard (Ervin Cable Construction),
- Shawn Beqaj (Armstrong),
- Patrice Carroll (ImOn),
- Earle MacKenzie (Shentel) --

and Ross Lieberman (ACA), and Thomas Cohen and J. Bradford Currier (Kelley Drye & Warren LLP, Counsel to ACA) met with the following staff of the Federal Communications Commission (“Commission”):

- Jay Schwarz, Wireline Legal Advisor to Chairman Pai
- Jamie Susskind, Wireline Legal Advisor to Commissioner Carr¹
- Travis Litman, Wireline Legal Advisor to Commissioner Rosenworcel²
- Michael Ray, Adam Copeland, Annick Banoun, and Deborah Salons, Wireline Competition Bureau

¹ Mr. Currier did not attend the meeting with Ms. Susskind.

² Mr. Lieberman and Mr. Currier did not attend the meeting with Mr. Litman.

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On May 26, 2018, Mr. Lieberman and Mr. Cohen met with Amy Bender, Wireline Legal Advisor to Commissioner O’Rielly. In each meeting, the ACA representatives discussed the Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking in the above-referenced docket³ and ACA’s recommendations to address the barriers faced by its members in obtaining access to poles pursuant to Section 224 of the Communications Act.⁴

The ACA members opened each meeting by explaining that small and mid-sized wireline providers are making substantial investments to upgrade and extend their broadband networks, particularly in rural communities and other underserved areas, and that having expeditious access to poles on reasonable terms is critical to the success of these deployments and the Commission’s goal of eliminating the “digital divide.” The members then described the barriers imposed by some utility pole owners that increase the costs of and timeframes for their buildouts. Faced with such barriers, ACA members expend significant time and money to satisfy utility demands, reducing the resources available for other deployments, and in some instances, they abandon projects all together.

Mr. Lieberman and Mr. Cohen emphasized that ACA’s proposals discussed in its most recent *ex parte* filing⁵ would facilitate cooperation among utilities, existing attachers, and new attachers, while providing greater certainty about the rights and responsibilities of each. They explained that ACA’s members are most concerned with addressing the root causes of pole attachment delays and eliminating excessive application and make-ready charges. Mr. Lieberman and Mr. Cohen also noted that many of ACA’s proposals received significant support in the record and most have been approved by the Commission’s Broadband Deployment Advisory Committee (“BDAC”) in full or in part.⁶

³ *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment, 32 FCC Rcd 3266 (2017); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 32 FCC Rcd 11128 (2017).

⁴ 47 U.S.C. § 224. ACA’s proposed changes to the Commission’s pole attachment rules are provided in the attached Appendix.

⁵ *See Ex Parte* Filing of the American Cable Association on Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84 (Mar. 8, 2018).

⁶ *See* Comments of the American Cable Association on the Notices of Proposed Rulemaking, WC Docket No. 17-84, WT Docket No. 17-79 (June 15, 2017); Reply Comments of the American Cable Association on the Notices of Proposed Rulemaking, WC Docket No. 17-84, WT Docket No. 17-79 (July 17, 2017).

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The ACA representatives then reviewed the following issues and recommendations, which they submitted are ripe for Commission action:

Ensure Make-Ready Charges are Just and Reasonable

ACA members share the concerns of many other attachers that make-ready charges are not just and reasonable and have sought Commission intervention to address this problem and require greater transparency from pole owners regarding make-ready estimates and invoices. Predictability in deployment costs is critical to ACA members when determining the size, location, and timing of buildouts. ACA members prepare their own estimates of make-ready costs when planning a deployment and rely on such estimates when deciding to pursue the pole attachment application process and paying for pole surveys and make-ready assessments. As a result, cost transparency is important to accurately predict make-ready charges on the front end before filing an application and on the back end to allow attachers to assess whether make-ready charges are just and reasonable.

The ACA members reported that utilities exploit the current lack of clear regulations governing make-ready charges to seek payment for work not directly related to the new attachment and to send new attachers vague, un-itemized estimates and invoices. For example, Mr. Beqaj and Mr. MacKenzie discussed examples where their companies abandoned planned deployments (after already paying pole attachment application fees) when faced with unexpectedly high make-ready estimates. Mr. Beard and Ms. Carroll stated that inflated make-ready estimates can undercut the return on investment for particular projects and result in broadband providers pursuing more complex underground buildouts.

Each member then discussed examples of “bill shock,” where a utility’s make-ready invoices far exceeded the utility’s initial estimates. Mr. Beqaj and Ms. Carroll explained that utilities often fail to provide any explanation for the significant increases in project costs on the final bill and do not provide the information necessary to challenge the reasonableness of the make-ready charges. Mr. Beqaj and Mr. MacKenzie provided examples where a utility charged a new attacher for the correction of preexisting safety violations caused by others or for overdue improvements designed to bring poles into compliance with utility regulations. Mr. MacKenzie cautioned that some utilities pass off their pole maintenance and improvement costs to new attachers, even when such maintenance and improvements are not made necessary by the new attachment.

As a result of these many problems, the ACA members all expressed support for requiring utilities to provide make-ready “price lists” available to prospective attachers to increase transparency and predictably, which would ensure that estimated and actual make-ready charges accurately reflect utilities’ costs. Mr. Beard indicated that utilities likely already rely on internal price lists for make-ready work when preparing their estimates and invoices, and requiring utilities to make such information available to new attachers will reduce disputes and speed deployments. In addition, the ACA representatives recommended that the Commission (1) prohibit utilities from charging for make-ready work unrelated to the new attachment, including

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for work to fix existing violations or replace poles determined to be inadequate for existing attachers or scheduled for replacement; and (2) require utilities to provide attachers with make-ready cost estimates and final invoices with itemized details for work on a per-pole basis and with regular updates on whether the costs of ongoing make-ready work are consistent with estimates.⁷

Define a “Complete” Application

Even before deployment can begin, the ACA members explained they face significant hurdles in triggering the Commission’s pole attachment timeline, which starts once a pole owner deems an application “complete.” Ms. Carroll and Mr. Beqaj explained that many pole owners do not clearly specify what information is required for a complete application, and so these pole owners often reject an application either arbitrarily or for failure to supply information not provided by the requesting attacher that was not initially identified by the pole owner as necessary for the application. Mr. Beard stated that, even when attachers submit applications in accordance with available instructions, utilities frequently demand additional information, including costly pole loading analyses. Mr. MacKenzie warned that some utilities use successive information requests to avoid triggering the Commission’s timeline. Mr. MacKenzie asserted that application delays can prevent attachers from meeting service deadlines, resulting in customer dissatisfaction and losses to other network providers, some of whom are pole owners.

The absence of a clear definition for what represents a “complete” application, as well as the failure to make utilities adhere to deadlines to determine when an application is complete, undermines the Commission’s prescribed pole attachment timeline and engenders disputes between attachers and utilities. To that end, the ACA representatives expressed support for the BDAC Competitive Access to Broadband Infrastructure Working Group’s “Defining ‘Complete’ Attachment Applications” proposal put forward for a vote on January 23-24, 2018.⁸ However, Mr. Lieberman stated that ACA does not support the modifications made to the Working Group’s proposal by the BDAC, which extended the timeframes for action by the utility from seven calendar days to 10 business days after submission for an initial determination of a complete application and from three calendar days to five business days for review of a resubmitted application. Mr. Lieberman stated that the Working Group adopted its timeframes after months of discussion and the additional time, which was proposed by a group representing

⁷ ACA notes that the NCTA ASAP Proposal includes an “Estimate” approach in § 1.1420(d). *See* Ex Parte Letter from Steven F. Morris, NCTA – The Internet & Television Association, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 17-84 (Mar. 5, 2018).

⁸ *See* BDAC, Report of the Competitive Access to Broadband Infrastructure Working Group, at 25-29 (Jan. 23-24, 2018), available at <https://www.fcc.gov/sites/default/files/bdac-competitiveaccess-report-012018.pdf> (“BDAC Report”).

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pole owners who would not be subject to this proposal, is not needed to evaluate an application and would serve only to delay broadband deployment.

Facilitate “Joint Surveys”

The ACA members stated that one of the best ways to reduce disputes among new attachers, utilities, and existing attachers is by having the parties conduct joint pole surveys. Mr. Beard said that, in his lengthy experience, joint pole surveys expedite deployments by allowing attacher and utility engineers to confer on what make-ready work is necessary and ensure that new attachers do not bear the burden of correcting preexisting pole safety violations. The ACA members all stated that joint surveys would help attachers and utilities agree upon the scope of make-ready work, reducing the likelihood of disputes over costs later. Ms. Carroll indicated that some utilities previously conducted joint pole surveys with new attachers, but that such surveys became less frequent as utilities turned over management of their poles to third parties. Mr. MacKenzie also stated that telecommunications and electric utilities often do not conduct their pole surveys simultaneously, which results in further delays.

To facilitate cooperation and agreement between requesting attachers and utilities about the need to undertake make-ready work and the extent of such work, the ACA representatives recommended that the Commission require utilities to give requesting attachers the option of accompanying them on their field inspections conducted as part of pole attachment surveys. Utilities also would invite any existing attachers on affected poles, which would further facilitate make-ready work. Utilities would use commercially reasonable efforts to provide at least three days’ advance notice of the survey and field inspection to requesting attachers and existing attachers. Thus, the ACA representatives asked the Commission to implement the “Joint Field Survey to Examine and Analyze Proposed Pole Attachments” proposal the BDAC adopted on January 23-24, 2018.⁹

Enhance the “Self-Help” Remedy

The ACA members discussed the challenges posed by the Commission’s “self-help” remedy, which new attachers can invoke when existing attachers do not perform their make-ready work within the 60-day timeframe.¹⁰ The members summarized the weaknesses of the remedy, including the fact that the utility rather than the new attacher is responsible for overseeing the existing attachers’ make-ready work and the requirement that the new attacher select a utility-approved contractor. Mr. MacKenzie described instances where existing attachers unnecessarily delayed completing their make-ready work to hamper competition from new attachers. Mr. MacKenzie also indicated that utility-approved contractors often are unavailable for self-help work and, even when they are available, often charge make-ready fees far exceeding competitive rates. To expedite the self-help process and reduce broadband deployment costs, the

⁹ See BDAC Report at 29-34.

¹⁰ 47 C.F.R. §§ 1.1420(e), 1.1422.

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ACA members stated that new attachers should be permitted to use a qualified contractor of their choosing. Mr. Beard asserted that make-ready contractors take pole safety seriously and do not proceed with a deployment without first ensuring that the poles can support the attachments. Mr. Beard and the other ACA members highlighted that attachers have strong incentives to ensure that any self-help work is completed in a safe manner because they often have facilities on the poles and they may be required to pay utilities and existing attachers for damages or violations caused by their make-ready work. Mr. Beard also stated that new attachers have a financial incentive to use the same contractors to move existing attachments as they would to install their own attachments. As a result, it is highly likely that the contractors used by new attachers to complete make-ready will be qualified.

The ACA representatives submitted that the Commission's self-help remedy remains a sound approach to expediting attachments and would avoid disputes if properly structured, enabling new attachers to deploy broadband facilities quickly.¹¹ As a result, the representatives expressed support for the proposal submitted by the BDAC's Competitive Access to Broadband Infrastructure Working Group, "Improving the Requesting Attachers' Self-Help Remedy," that was put forward for a vote on January 23-24, 2018.¹² The ACA representatives therefore recommended the Commission address the flaws in the self-help remedy by:

- Requiring the utility to notify existing attachers about the need for and nature of make-ready work and to provide that information to the new attacher, who then will be responsible for following-up with existing attachers on that work;

¹¹ Mr. Cohen explained that an improved, workable self-help remedy would complement any effort to adopt a one-touch make-ready regulation because a requesting attacher may decide not to use one-touch make-ready for a variety of reasons. As a result, the self-help remedy would serve as an alternative to, but not a substitute for, any one-touch make-ready proposal adopted by the Commission.

¹² BDAC Report at 34-44. The Working Group's proposal was approved by the BDAC with certain modifications. ACA is willing to support the modifications to the proposal that added a requirement that the new attacher notify the utility and existing attachers post-attachment to give them an opportunity to inspect the work and a requirement that the new attacher cease work immediately if the utility or existing attachers notify it that the work damaged the pole or their attachments such that an outage occurred. However, ACA opposes changes to the proposal to require the new attacher to either use a utility-approved contractor or a contractor to which the utility did not reasonably object, and to require the new attacher to either have adequate insurance or post an adequate performance bond. These changes are onerous and unnecessary, and introduce new requirements that could thwart the intent of the improvements to ensure make-ready work can be completed within a predictable timeframe.

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- Allowing the new attacher to use its own contractor to perform the make-ready work in accordance with applicable government laws and regulations as well as current engineering and safety standards; and
- Requiring the new attacher to give utilities and existing attachers an opportunity to consult on the make-ready work and be present when it undertakes such work.

Codify the Commission's Overlashing Precedent

The ACA representatives reiterated their support for codifying the Commission's overlashing precedent.¹³ As the ACA members explained, overlashing clearly expedites and lowers the cost of network deployments, and existing attachers have long engaged in overlashing (and permitted third parties to overlash) consistent with generally accepted engineering standards. As with self-help make-ready work, Mr. MacKenzie stated that attachers have strong incentives to protect pole safety while overlashing. Mr. Beard added that the impact of overlashing on pole load should be minimal and non-consequential, provided the existing facilities are up to code. Mr. Beqaj noted that overlashing is critical to ensuring the network densification necessary to support next-generation broadband services. However, the ACA members reported that some utilities continue to claim the right to impose costly and unnecessary overlashing conditions based on safety claims that the Commission has repeatedly considered and rejected. The members asked the Commission to eliminate such barriers to broadband deployment by codifying existing precedent permitting an attacher or third party to overlash consistent with generally accepted engineering practices without requiring prior utility pole owner approval, including a pole attachment application, or payment of additional charges to the utility pole owner. In addition, although not required by Commission precedent, the ACA representatives stated they do not oppose service providers and utilities agreeing to an overlashing notice period, so long as the notice is reasonable (both in its duration and the amount of information provided).

¹³ See Comments of the American Cable Association on the Further Notice of Proposed Rulemaking, WC Docket No. 17-84 (Jan. 17, 2018); Reply Comments of the American Cable Association on the Further Notice of Proposed Rulemaking, WC Docket No. 17-84 (Feb. 16, 2018). The ACA members explained that the Commission should refrain from adopting a definition of overlashing at this time and continue to enable pole owners and utilities to address this issue on a case-by-case basis to capture new innovations in broadband facilities.

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This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules.¹⁴

Sincerely,



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¹⁴ 47 C.F.R. § 1.1206.

APPENDIX

PROPOSED LANGUAGE TO DEFINE A “COMPLETE” APPLICATION

At the end of 47 C.F.R. § 1.1420(c), the following underlined text should be added:

“(c) Survey. A utility shall respond as described in 1.1403(b) to a cable operator or telecommunications carrier within 45 days of receipt of a complete application to attach facilities to its utility poles (or within 60 days, in the case of larger orders as described in paragraph (g) of this section). This response may be a notification that the utility has completed a survey of poles for which access has been requested. A complete application is an application that provides the utility with the information necessary under its procedures, as specified in a master service agreement or in publicly-released requirements at the time of submission of the application, to begin to survey the poles. An application shall be deemed complete seven days after its submission unless the utility notifies the applicant that the application is incomplete and enumerates all reasons for finding it incomplete. Any resubmitted application need only address the utility’s enumerated reasons for the application being incomplete and shall be deemed complete within three days after its resubmission unless the utility specifies which enumerated reasons were not addressed.”

PROPOSED LANGUAGE TO FACILITATE JOINT SURVEYS

To be added to the end of 47 C.F.R. § 1.1420(c), the following underlined text is recommended:

“(c) Survey. A utility shall respond as described in § 1.1403(b) to a cable operator or telecommunications carrier within 45 days of receipt of a complete application to attach facilities to its utility poles (or within 60 days, in the case of larger orders as described in paragraph (g) of this section). This response may be a notification that the utility has completed a survey of poles for which access has been requested, consistent with its obligation to offer the opportunity for joint surveys as set forth below. A complete application is an application that provides the utility with the information necessary under its procedures to begin to survey the poles. A utility shall permit a cable operator or telecommunications carrier requesting attachment and any entities with existing attachments on the affected poles to be present for a field inspection conducted as part of a survey. A utility shall use commercially reasonable efforts to provide a cable operator or telecommunications carrier requesting attachment and any entities with existing attachments on the affected poles with advance notice of not less than three days of a field inspection as part of a survey.”

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PROPOSED LANGUAGE TO ENHANCE THE SELF-HELP REMEDY

Amend 47 C.F.R. § 1.1420 and § 1.1422 as follows:

“§ 1.1420 Timeline for access to utility poles.

(a) The term “attachment” means any attachment by a cable television system or provider of telecommunications service to a pole owned or controlled by a utility.

(b) All time limits in this subsection are to be calculated according to § 1.4.

(c) Survey. A utility shall respond as described in § 1.1403(b) to a cable operator or telecommunications carrier within 45 days of receipt of a complete application to attach facilities to its utility poles (or within 60 days, in the case of larger orders as described in paragraph (g) of this section). This response may be a notification that the utility has completed a survey of poles for which access has been requested. A complete application is an application that provides the utility with the information necessary under its procedures to begin to survey the poles.

(d) Estimate. Where a request for access is not denied, a utility shall present to a cable operator or telecommunications carrier an estimate of charges to perform all necessary make-ready work within 14 days of providing the response required by § 1.1420(c), or in the case where a prospective attachers’ contractor has performed a survey, within 14 days of receipt by the utility of such survey.

(1) A utility may withdraw an outstanding estimate of charges to perform make-ready work beginning 14 days after the estimate is presented.

(2) A cable operator or telecommunications carrier may accept a valid estimate and make payment any time after receipt of an estimate but before the estimate is withdrawn.

(e) Make-ready. Upon receipt of payment specified in paragraph (d)(2) of this section, a utility shall notify ~~immediately and~~ in writing all known entities with existing attachments that may be affected by the make-ready of the need for and nature of make-ready work. For attachments in the communications space, the notice shall-

~~(1) For attachments in the communications space, the notice shall:~~

~~(i) Specify where and what make-ready will be performed.~~

~~(ii) Set~~ set a date for completion of make-ready by such entities that is no later than 60 days after notification is sent (or 105 days in the case of larger orders, as described in paragraph (g) of this section). For wireless attachments above the communications space, the notice shall set a date for completion for make-ready that is no later than 90 days after notification is sent (or 135 days

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in the case of larger orders, as described in paragraph (f) of this section). A utility shall provide a cable operator or telecommunications carrier requesting attachment with a copy of such notification and the contact information of entities with existing attachments that may be affected by make-ready, and thereafter a cable operator or telecommunications carrier requesting attachment shall be responsible for all further notifications to, and coordination with, such entities except as may be otherwise directed by the utility.

~~(iii) State that any entity with an existing attachment may modify the attachment consistent with the specified make ready before the date set for completion.~~

~~(iv) State that the utility may assert its right to 15 additional days to complete make ready.~~

~~(v) State that if make ready is not completed by the completion date set by the utility (or, if the utility has asserted its 15-day right of control, 15 days later), the cable operator or telecommunications carrier requesting access may complete the specified make ready.~~

~~(vi) State the name, telephone number, and e-mail address of a person to contact for more information about the make-ready procedure.~~

~~(2) For wireless attachments above the communications space, the notice shall:~~

~~(i) Specify where and what make ready will be performed~~

~~(ii) Set a date for completion of make ready that is no later than 90 days after notification is sent (or 135 days in the case of larger orders, as described in paragraph (g) of this section).~~

~~(iii) State that any entity with an existing attachment may modify the attachment consistent with the specified make ready before the date set for completion.~~

~~(iv) State that the utility may assert its right to 15 additional days to complete make ready.~~

~~(v) State the name, telephone number, and e-mail address of a person to contact for more information about the make-ready procedure.~~

~~(f) For wireless attachments above the communications space, a utility shall ensure that make-ready is completed by the date set by the utility in paragraph (e)(2)(ii) of this section (or, if the utility has asserted its 15-day right of control, 15 days later).~~

~~(gf) For the purposes of compliance with the time periods in this section:~~

(1) A utility shall apply the timeline described in paragraphs (c) through (e) of this section to all requests for pole attachment up to the lesser of 300 poles or 0.5 percent of the utility's poles in a state.

(2) A utility may add 15 days to the survey period described in paragraph (c) of this section to larger orders up to the lesser of 3000 poles or 5 percent of the utility's poles in a state.

(3) A utility may add 45 days to the make-ready periods described in paragraph (e) of this section to larger orders up to the lesser of 3000 poles or 5 percent of the utility's poles in a state.

(4) A utility shall negotiate in good faith the timing of all requests for pole attachment larger than the lesser of 3000 poles or 5 percent of the utility's poles in a state.

(5) A utility may treat multiple requests from a single cable operator or telecommunications carrier as one request when the requests are filed within 30 days of one another.

(hg) A utility may deviate from the time limits specified in this section:

(1) Before offering an estimate of charges if the parties have no agreement specifying the rates, terms, and conditions of attachment.

(2) During performance of make-ready for good and sufficient cause that renders it infeasible for the utility to complete the make-ready work within the prescribed time frame. A utility that so deviates shall immediately notify, in writing, the cable operator or telecommunications carrier requesting attachment and other affected entities with existing attachments, and shall include the reason for and date and duration of the deviation. The utility shall deviate from the time limits specified in this section for a period no longer than necessary and shall resume make-ready performance without discrimination when it returns to routine operations.

(ih) If a utility fails to respond as specified in paragraph (c) of this section, a cable operator or telecommunications carrier requesting attachment in the communications space may, ~~as specified in~~ consistent with § 1.1422, hire a contractor to complete a survey. If make-ready is not complete by the date specified in paragraph (e)(1)(ii) of this section, a cable operator or telecommunications carrier requesting attachment in the communications space may, consistent with § 1.1422, hire a contractor to complete the specified make-ready.

~~(1) Immediately, if the utility has failed to assert its right to perform remaining make-ready work by notifying the requesting attacher that it will do so; or~~

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~~(2) After 15 days if the utility has asserted its right to perform make-ready by the date specified in paragraph (e)(1)(ii) of this section and has failed to complete make-ready.”~~

“§ 1.1422 Contractors for survey and make-ready.

~~(a) A utility shall make available and keep up to date a reasonably sufficient list of contractors it authorizes to perform surveys and make-ready in the communications space on its utility poles in cases where the utility has failed to meet deadlines specified in § 1.1420.~~

~~(b) If a cable operator or telecommunications carrier hires a contractor for purposes specified in § 1.1420, it shall choose from among a utility's list of authorized contractors.~~

~~(ea) A cable operator or telecommunications carrier that undertakes a hires a contractor for survey or make-ready work pursuant to § 1.1420(h) shall provide a utility with a reasonable opportunity for a utility representative to accompany and consult with the authorized contractor and the cable operator or telecommunications carrier during either of those activities.~~

(b) A cable operator or telecommunications carrier that undertakes make-ready work pursuant to § 1.1420(h) shall:

(1) Provide entities with existing attachments that may be affected by the make-ready with a reasonable opportunity to accompany and consult with the cable operator or telecommunications carrier during that work;

(2) Ensure that any work it performs on existing attachments are in accordance with applicable federal, state, and local laws and regulations and applicable engineering and safety standards.

~~(dc) The consulting representative of an electric utility may make final determinations, on a nondiscriminatory basis, where there is insufficient capacity and for reasons of safety, reliability, and generally applicable engineering purposes.”~~

PROPOSED LANGUAGE TO CODIFY THE COMMISSION'S OVERLASHING PRECEDENT

At the end of 47 C.F.R. § 1.1403, the following provision should be added:

“(f) Overlashing to existing facilities on utility poles consistent with generally accepted engineering practices does not require prior utility pole owner approval, including a pole attachment application, or additional payment to the utility pole owner.”