



VIA ELECTRONIC MAIL

March 31, 2017

Ms. Liz Podalinsky
Advisor to President Picker

Mr. Chris Witteman
Staff Counsel – Legal Division

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

RE: Additional Comments of CALTEL on CPUC’s Workshop on Pole and Conduit Databases and Software

Dear Liz and Chris,

In accordance with the email from Margarita Lezcano dated Friday, March 24, 2017, the California Association of Competitive Telecommunications Companies (CALTEL) provides the following additional comments on behalf of its members.

SUMMARY

As you know, a representative of one of CALTEL’s member companies, Nathan Patrick, CTO of Sonic Telecom, participated on the fourth panel at the workshop. Mr. Patrick (Nathan) discussed how the database being proposed by the Commission could be useful to address issues and concerns that competitive providers encounter in gaining access to utility-owned poles and conduits, but also stressed that there are “low-hanging fruit” solutions that the Commission could and should address and implement in parallel with database efforts. CALTEL appreciates this opportunity to provide additional information about those proposed solutions.

DISCUSSION

Issue 1: Require Pole and Conduit Owners to Make Existing Data Available to Applicants in a Useable Format

The Commission should consider requiring pole and conduit owners to release all digital records to prospective attachers. Attachers should be permitted to request records in bulk (e.g. not limited to a route by route basis) and at no cost, subject to execution of reasonable non-disclosure agreements.



Digital records should explicitly include all GIS (Geographic Information Systems) records as well as records in other software formats including, but not limited to, AutoCAD, ARAMIS, and JPMTS. Records should be converted to portable/open formats when technically possible.

Issue 2: Include Current Pole Loading and Other Essential Information in Digital Records for Poles

The Commission should consider requiring pole owners to maintain essential pole information, including but not limited to pole loading calculations, pass/fail information, scheduled pole replacement dates, maximum grade data, and intrusive testing results on their digital records. This information should be included in the digital records that are made available to attachers upon request and subject to reasonable non-disclosure agreements.

Issue 3: Include Space Availability and Other Essential Information in Digital Records for Conduits

The Commission should consider requiring conduit owners to maintain essential conduit information, including but not limited to the availability of space on a given conduit span, on their digital records. This information should be included in the digital records that are made available to attachers upon request and subject to reasonable non-disclosure agreements.

Issue 5: Review and Adopt Application-to-Attachment Intervals and Timelines for Pole and Conduit Access with an Objective of Increased Mechanization and Shortened Timelines

Although not directly related to development of a pole and conduit database, CALTEL believes that one of the benefits of increased mechanization must be shorter application-to-attachment timelines. This is especially important because California has fallen behind the FCC in adopting concrete intervals and effective enforcement mechanisms governing pole and conduit access.

Yesterday the FCC issued a draft NPRM that would reform the FCC's current attachment process and rules to "make it easier, faster, and less costly to access the poles, ducts, conduits, and rights-of-way necessary for building out next-generation networks."¹

¹ Fact Sheet for Draft Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment, *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, at <https://ecfsapi.fcc.gov/file/0330119707602/DOC-344161A1.pdf>. This draft NPRM was released by Chairman Pai and is scheduled for consideration at the FCC's April 20, 2017 Open Meeting. (Draft NPRM)



However, as you know, competitive carriers in California are unable to take advantage of the FCC's current rules, most recently updated in 2011, let alone any proposed process improvements that might be adopted in the new NPRM, because California is a reverse-preemption state. The CPUC has not comprehensively considered process improvements to the pole and conduit attachment processes since 1998, and given the federal regulatory climate, there is increased pressure on competitive providers to self-deploy last-mile fiber and fixed wireless broadband circuits that rely on gaining access to this critical infrastructure. It is therefore essential that this issue be addressed in any new rulemaking.

Specifically, the Commission should gather evidence about how California's current process timelines compare with the FCC's current four-stage timeline, which "provides for application review and engineering survey (45 days), cost estimate (14 days), attacher acceptance (14 days) and make-ready (60-75 days)."² In addition to these specific intervals, additional intervals are needed to ensure timely close-out of the application process, including billing and resolution of any billing disputes. Following this review, and with an eye to streamlining and shortening the overall timeline, the Commission should adopt concrete interval requirements and related enforcement mechanisms to effectively address non-compliance.

CALTEL would also welcome Commission consideration of other items identified in the draft FCC NPRM, including review of the reasonableness of make-ready costs and expedited dispute resolution for pole and conduit disputes.

Conclusion

CALTEL believes that development of a comprehensive database of utility-owned poles and conduits could have many benefits, including increased safety and competition. As was clear from the workshop presentations, the current pole and conduit processes are highly manual and do not take advantage of the advances of 21st century technology.

However, CALTEL is concerned that development of comprehensive databases will be expensive and time-consuming, and that solutions that would improve competitive access to utility poles and conduits will be unnecessarily delayed. CALTEL appreciates the opportunity to provide additional input regarding some potential solutions, as outlined above, and looks forward to participating in the anticipated rulemaking.

Sincerely,

/s/Sarah De Young

Sarah DeYoung
Executive Director – CALTEL

² Draft NPRM at ¶ 7.