

Go Netspeed Appendix 2

Versant Power Comments on Qualified Contractors

Versant is not in the position of approving the qualifications of contractors for attachers, and legally should not be expected to take on that obligation or liability whether or not they have the right to do so as an owner. The work is being performed on behalf of the attacher and the contractors are engaged by the attacher. No party disputes that in construction agreements this requirement properly rests between the party contracting for a service and the contractor. Each attacher is normally expected to require the contractor to certify as to their credentials, experiences and technical knowledge, as well as their knowledge of safety laws and codes. Also, what constitutes a qualified contractor in the pole attachment industry is well understood, and certification requirements of the contractor are spelled out in Chapter 880.

Versant does not employ a requirement that an attacher use a set list of contractors. Rather, Versant only requires that the attacher represent in the standard pole attachment that it will only employ contractors with the requisite training and experience in the industry with requisite knowledge of industry codes, laws and regulations, including Chapter 880 and the NESC. This is the same standard or requirement that any property owner would impose on a licensee or party performing work affecting its property. Each of the broadband providers in this docket are sophisticated, national players in the provision of broadband services, some of whom themselves are pole owners. Each is familiar enough with industry codes and compliance standards and should, in any event, only engage contractors with the requisite expertise, training and experience in the industry to work on utility poles.

Versant respectfully cannot take on the role nor responsibility of an attacher for determining a contractor's qualifications; rather, its standard pole attachment similar to pole attachment agreements across the country, as well as under Chapter 880, properly place this as the responsibility on the attacher. As noted, the parties deploying in Maine—TDS, Crown Castle, GoNetspeed, Charter, GWI and CCI (Fidium)—have years of experience engaging contractors and performing work and are familiar with the industry codes and qualification requirements.