

GoNetspeed Appendix 3

Statements Supporting OTMR and Other Reforms

Eversource

Accordingly, to the extent that any proposed changes to the New Hampshire rules implement OTMR for simple make-ready in the communications space consistent with the federal rule, Eversource generally supports the change.

N.H. Department of Energy Request for Advance Public Comment Regarding Utility Pole Attachment Rules, Comments of Public Service Company of New Hampshire d/b/a Eversource Energy, November 12, 2021, (p. 2)

National Grid

The Joint Utilities support the use of the FCC’s methodology for One Touch Make Ready (“OTMR”) in New York if OTMR follows the federal model and is appropriately limited to attachers performing simple communications make ready. OTMR could provide a valuable resource to coordinate prompt make ready work among telecom, broadband and CATV providers.

Proceeding to Review Certain Pole Attachment Rules, Case No. 22-M-0101, Reply Comments of the Joint Utilities, at unnumbered p. 3 (NY PSC, May 20, 2022)

<https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7b0A88AFEC-0644-40CC-AB86-8240A2738BE1%7d>

The Joint Utilities have previously supported the Commission adopting One Touch Make Ready (“OTMR”) for simple make-ready for wireline attachments in the communication space on a pole. This is another alternative that could be used to mitigate costs for pole attachments.

Id., Comments of the Joint Utilities Responding to the Notice Seeking Comments, at 16 (Apr. 7, 2022)

<https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={9C4B3CF2-1BF4-4A60-AE51-A1EA0D39044B}>

Verizon

Verizon MA agrees... that the Departments should adopt the FCC's one-touch make ready (OTMR) rules, including rules governing the timeline for access to utility poles, use of contractors and overloading (47 C.F.R. §§ 1.1411, 1.1412 and 1.1415). . . . The FCC has determined that OTMR reduces barriers to access, which leads to increased deployment, decreased costs for consumers, and increased service speeds, in large part by better aligning incentives than does the current multi-party make-ready process. The FCC's timeline and related rules are likewise designed to speed deployment (including deployment of broadband) and reduce costs for all parties.

Joint Rulemaking Pursuant to Executive Order No. 562 to Reduce Unnecessary Regulatory Burden To Amend 220 CMR 45.00, D.P.U. 19-76 / D.T.C. 19-4, Reply Comments of Verizon New England Inc, at 1 (Sept. 24, 2019) (emphasis added; footnotes and citations omitted) (<https://www.mass.gov/doc/dtc-19-4-verizon-new-england-inc-reply-comments/download>).

The FCC 2018 Poles Order's key reforms [including OTMR and other reforms] are vital to promoting broadband and 5G deployment and favorably positioning Pennsylvania in the national and global internet economy. Ignoring the FCC 2018 Poles Order entirely (as CWA proposes) or chipping away at its reforms (as the EDCs propose) would undermine the Commission's goal of attracting speedy broadband deployment and make Pennsylvania less attractive than other states that will clearly be governed by the FCC rules. If the Commission is not willing or able to adopt the FCC rules, together with the recent changes and automatic future updates, then it should seriously consider whether the public interest would be better served by following the advice of those parties advocating that pole attachment regulation be left to the FCC.

Assumption of Commission Jurisdiction Over Pole Attachments from the Federal Communications Commission, PA PUC No. L-2018-3002672, Reply Comments of the Verizon Companies, November 28, 2018, at 3.

Barriers in the pole attachment process delay the delivery of these services, or, as discussed below, obstruct providers from the delivery of such services. Accordingly, Verizon has supported OTMR throughout this proceeding as a necessary step toward eliminating these barriers and firmly supports this Proposal.

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Finally and critically, the OTMR rules provide for efficient make-ready once a request has been approved. Currently, it can take several months for simple make ready on a pole to be accomplished. OTMR eliminates these unduly long periods, and allows new attachers (with 15 days' notice to the pole owner and existing attachers) to perform their own make-ready, using the list of utility-approved contractors where provided. OTMR will eliminate multiple visits to a pole and reduce the attachment timeline and total make-ready costs. The current process of make-ready requires repeated visits by various existing attachers to the same pole to make room for a new attachment, when such work could be accomplished in as few as one visit. All of these repeated visits means that new attachers often can wait months to attach to a pole because they are waiting for other existing attachers to make their multiple visits to the pole. Not only do these multiple visits create excessive and duplicative costs, they also increase the risk to workers and public safety and cause inconvenience to residents or the public. OTMR would eliminate this unnecessary time, expense, and disturbance associated with make-ready. Pole owners also benefit because under OTMR, the new attacher will assume the responsibility for the survey and make-ready estimate and for notifying existing attachers as to when the make-ready work will be performed.

...

OTMR is currently in effect in 30 states that are subject to the FCC's pole attachment rules. In addition, five reverse-preemption states have adopted some form of OTMR rules (Maine, New Hampshire, Pennsylvania, Vermont, and West Virginia). In those states where Verizon's affiliates operate as an incumbent local exchange carrier/pole owner, Verizon notes that its incumbent affiliates in other states have received over a hundred OTMR requests in 2019-2020 and more than a hundred OTMR applications to date in 2021. It has no records of issues or concerns related to OTMR in these states.

Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California and Related Matters, Investigation 17-06-027, Rulemaking 17-06-028, Opening Comments of Cellco Partnership et al., filed 04/12/21, pp. 2, 6, 7

<http://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=377391015>