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E-File

November 28, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**Re: Assumption of Commission Jurisdiction over Pole Attachments from the
Federal Communications Commission.
Docket No. L-2018-3002672**

Dear Ms. Chiavetta:

Enclosed for filing on behalf of PPL Electric Utilities Corporation ("PPL Electric") is an original of PPL Electric's Reply Comments in the above-captioned proceeding. These Reply Comments are being filed pursuant to the Notice of Proposed Rulemaking issued on July 13, 2018 in the above captioned proceeding.

Pursuant to 52 Pa. Code § 1.11, the enclosed document is to be deemed filed on November 28, 2018, which is the date it was filed electronically using the Commission's E-filing system.

If you have any questions regarding these comments, please call me or Bethany L. Johnson, Manager – Regulatory Operations for PPL Electric at (610) 774-7011.

Very truly yours,

A handwritten signature in blue ink that reads "Mike Shafer" with a stylized flourish at the end.

Michael J. Shafer

Enclosures

cc via email: Shaun A. Sparks
Colin W. Scott

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Assumption of Commission Jurisdiction :
Over Pole Attachments from the Federal : Docket No. L-2018-3002672
Communications Commission

**REPLY COMMENTS OF
PPL ELECTRIC UTILITIES CORPORATION**

I. BACKGROUND

On June 14, 2018 the Pennsylvania Public Utility Commission (“Commission” or “PUC”) passed the Motion of Commissioner Norman J. Kennard to begin a rulemaking to assert Commission jurisdiction over pole attachments pursuant to the Telecommunications Act of 1996 (“TA96”). TA96 provides that the Federal Communications Commission (“FCC”) regulates pole attachments by default but contains procedures by which states may reverse-preempt FCC jurisdiction over pole attachments. The proposed rulemaking asserts Commission jurisdiction over pole attachments and adopts the FCC’s regulations over pole attachments in totality. Subsequently, on September 29, 2018, the Notice of Proposed Rulemaking (“NOPR”) was published in the Pennsylvania Bulletin and directed interested parties to file Comments within 30 days of the notice being published in the Pennsylvania Bulletin. PPL Electric and 19 other parties filed comments. By Secretarial Letter issued on November 8, 2018, the Reply Comment period was extended from 15 days to 30 days.

In accordance with the NOPR and subsequent Secretarial Letter, PPL Electric Utilities Corporation (“PPL Electric” or “the Company”) submits the following Reply Comments, which respond to Comments submitted by the Broadband Cable Association of Pennsylvania, Inc. (“BCAP”), Crown Castle, PA Telephone Association, The Wireless Association (“CTIA”), Century Link, PECO, Verizon, MAW Communications (“MAW”), the Central Bradford

Progress Authority and RuralNet Inc. (“CBPA”), and the Office of Consumer Advocate (“OCA”).

II. REPLY COMMENTS

PPL Electric is a public utility and an electric distribution company (“EDC”) as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 102, 2803. PPL Electric furnishes electric distribution, transmission, and default supply services to approximately 1.4 million customers throughout its certificated service territory, which includes all or portions of 29 counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania.

A. General Comments

After consideration of parties’ comments, PPL Electric reaffirms its original positions stated in Comments filed on October 29, 2018 at Docket No. L-2018-3002672. PPL Electric’s Comments expressed support of the PUC asserting reverse preemption. The Company has concerns and requests clarity regarding the timing of which FCC rules the Commission plans to make effective. Additionally, the Company recommends that the PUC should not automatically adopt future FCC rulemakings. PPL Electric asserts that no additional actions are needed to resolve unauthorized attachments, the dispute resolution process as provided by the PA PUC does not require any changes, a pole registry should not be established, and standard tariffs or agreements are not required due to the effective contractual arrangements in place today. The Company is amenable to a working group seeking to resolve future pole attachment issues and concerns.

PPL Electric’s Reply Comments are provided in response to various parties on topics as noted below.

B. Opposition to PUC Reverse Preemption

Two parties, BCAP and Crown Castle, oppose the PUC's assumption of jurisdiction over pole attachments. Both parties cite the FCC's more recent rulemakings as a primary reason. PPL Electric recommends that the PUC should not be compelled by this argument. Nearly all of the parties commenting at this docket have expressed some concern with the FCC's rules, whether current or pending, and all but these two parties support the PUC's proposal to some extent. However, both seek for an accelerated dispute resolution process.

C. Automatic Adoption of Future FCC Rules

More than half of the parties commenting on this proceeding express concern or caution with the automatic adoption of future FCC rulings. As mentioned previously, PPL Electric believes that clarification on which version of the FCC rules that are being adopted needs to be established, but that subsequent FCC rulemakings should not be adopted. Several parties are in favor of automatic adoption of FCC rules except for changes to dispute resolution. As the language of the Proposed Rulemaking currently stands, automatic adoption of future FCC rules would occur automatically. This limits the PUC's ability to regulate pole attachments in a manner most appropriate for Pennsylvania.

D. Streamline/Improvements to Dispute Resolution Process

PPL Electric believes that the existing FCC adjudicatory and dispute resolution processes are a starting point on which the PUC can build. The dispute resolution process would benefit from a state level perspective which holistically evaluates and balances the safety and reliability of the electric distribution system, adequate cost recovery for attachments, and the need for timely access to utility infrastructure.

The Company also believes the PUC should consider eliminating certain "self-help" remedies under the FCC regulations in anticipation of a more efficient dispute resolution

process. Self-help remedies allow attachers to hire their own contractors to access utility poles and perform make-ready construction activities if the pole owners have failed to meet FCC timelines. The policy behind FCC self-help remedies is that attachers were unable to receive timely decisions from the FCC. If the PUC is able to render timely pole attachment decisions it eliminates the need for self-help remedies. PPL Electric is supportive of eliminating self-help remedies, especially for self-help in the electric space where there are substantial safety and reliability concerns created from third parties working on PPL Electric's poles.

E. Pole Registry

As explained in PPL Electric's Comments, the Company recommends that the Commission does not pursue a pole registry for cybersecurity, cost, and administrative reasons. This position is further supported by other parties with the exception of CBPA (Comments pg 6), MAW (Comments pg 2), and the OCA (Comments, pg 7). Only two of the opposing parties would be users of such a database. Further, CBPA provides no benefits of such a database, nor does it address remedies for cybersecurity issues or cost and maintenance concerns.

MAW suggests that a database would expedite disputes between pole owners and attachers. MAW seems to disregard the cybersecurity and cost concerns that are forefront to utilities in Pennsylvania by additionally recommending an interface for real-time updates. This suggestion is in lieu of surveying on a request by request basis. MAW states that such a database could decrease costs, but ignores the cost of immediately surveying all of the utilities poles for initial entry into the database. Further, to ensure the safety and reliability of the grid and the safety of employees, utilities would need to survey on a request by request basis to ensure that there are no unauthorized attachments on inquired poles. This negates the benefits that MAW suggests exist.

Notwithstanding PPL Electric's opposition to a pole registry, the Company notes OCA's detailed list of information to be included in such a database. OCA seeks to include information from owners as to how they track and manage investment in poles and conduits. It is unclear what value this adds for a potential attacher. Additionally, as part of sound business policies and practices utilities need to track and manage their investments to provide safe and reliable service. Management of this work is not up for debate with other parties unless the Company is not providing safe and reliable service. Should that occur, the PUC has formal and informal opportunities for stakeholders to request information and review the Company's business practices.

III. CONCLUSION

Based on the foregoing, the Commission should reject the arguments made by parties to automatically adopt future FCC regulations, allow for "self-help" options in lieu of appropriate dispute resolution, and establish a pole registry.

Wherefore, PPL Electric Utilities Corporation respectfully requests that the Commission take these Reply Comments into consideration in preparing its Final Order.

Respectfully submitted,



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Date: November 28, 2018

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