**Northwest Public Power Association**

**Resolution 2018-09**

**Safeguarding Local Control – FCC & Pole Attachments**

**Background**

Public power electric utilities, which include electric cooperatives, municipals and public/people’s utility districts, are essential service providers that maintain and manage facilities and infrastructure critical to the continuity of electric power system operations and to the delivery of electric power to their consumers and businesses. Electric utility infrastructure and facilities incorporate electrified components and should only be handled by qualified utility personnel who possess significant training in electrical equipment and infrastructure.

While public power utilities own and manage the utility poles within their territories, other organizations and companies frequently seek access to attach their equipment and wires to utility poles. Public power utilities support efforts to expand technology such as broadband or 5G to underserved areas, and are often service providers themselves. In other cases, public power utilities willingly negotiate with telecommunications companies when those companies submit applications for pole attachments to utility-owned poles.

Recently, some telecommunication providers have been attempting to link pole attachment requirements and rates as an impediment to broadband deployment. Many public power utilities are situated in states or localities that allow them to set local market-based pole attachment fees that reflect the costs associated with readying and attaching third-party facilities to existing poles. However, telecommunications companies would like to bypass the local rates and impose the rate the Federal Communications Commission (FCC) has mandated for investor-owned utility poles. The FCC’s rate would be a financial hardship for these public power utilities, requiring public power utility customers to subsidize for-profit third-party companies’ pole attachments.

Further, attaching entities have been known to install cables, ground conductors, or other devices to public power electric utility facilities without the utility’s knowledge, that at times, has endangered the electric distribution system and the professionals who maintain the electric facilities. Placing additional attachments on electric facility structures adds weight and bulk which can exceed original facility design, and can result in electric facility failure when combined with ice, snow and/or snow loadings. It is critical for electric system integrity that each pole be evaluated for suitability for attachment by utility personnel.

**NWPPA’s Position**

* NWPPA supports public power utilities’ authority to manage all matters, including electric utility right-of-ways and rates, relating to attachments to poles and all other electric power system equipment and facilities owned, leased and/or operated by the public power utilities.
* NWPPA opposes any legislation or regulation that would preempt state and local authority on this issue.
* NWPPA opposed any legislation or regulation that would impair utilities’ ability to safely manage pole attachments, such as imposing deadlines to complete various steps in the pole attachment review process (often called “shot clocks”) and to automatically approve a carrier’s application if the utility fails to meet a deadline (often called “deemed approved”). These requirements would undermine a thorough review, putting utility employees and the public at risk.