

1 **Northwest Public Power Association**
2 **Resolution 2019-09**
3 **Safeguarding Local Control – FCC & Pole Attachments**
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5 **Background**
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7 Public power electric utilities, which include electric cooperatives, municipals and
8 public/people’s utility districts, are essential service providers that maintain and manage facilities
9 and infrastructure critical to the continuity of electric power system operations and to the
10 delivery of electric power to consumers and businesses. Electric utility infrastructure and
11 facilities incorporate electrified components and should only be maintained by qualified electric
12 utility personnel who possess significant training in electrical equipment and infrastructure.
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14 While public power utilities own and manage the utility infrastructure within their territories,
15 other entities frequently seek access to attach non-electric utility equipment and cables to
16 electric utility poles. Public power utilities support efforts to expand technology such as
17 broadband or 5G to underserved areas, and are often service providers themselves. In other
18 cases, public power utilities willingly negotiate and coordinate with telecommunications
19 companies when those companies submit applications for pole attachments to utility-owned
20 poles in the interest of supporting broadband or other telecommunications deployment.
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22 More recently, some telecommunication providers have attempted to link pole attachment
23 requirements and fees as an impediment to broadband deployment. Many public power utilities
24 are situated in states or localities that permit local market-based pole attachment fees that
25 reflect the costs associated with readying and attaching third-party facilities to existing poles.
26 However, telecommunications companies are also attempting to bypass local fees and have
27 successfully lobbied the Federal Communications Commission (FCC) to mandate the fees for
28 attachments on public power poles in spite of an exemption to FCC regulation for all consumer-
29 owned utilities under federal law. The FCC’s fees would be a financial hardship for public power
30 utilities, requiring public power utility customers to subsidize for-profit third-party company
31 broadband pole attachments.
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33 Further, attaching entities have been known to install cables, ground conductors, or other
34 devices to public power electric utility facilities without the utility’s knowledge, that at times, has
35 endangered the integrity of the electric distribution system and the electrically trained
36 professionals who maintain the electric facilities. Placing additional attachments on electric
37 facility structures adds weight and bulk which can exceed original structural design criteria and
38 can result in electric facility failure when combined with wind, ice, snow and/or snow loadings.

39 It is critical for electric system integrity that each pole be evaluated for suitability for attachment
40 by trained electric utility personnel for public safety and electric system reliability.

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43 **NWPPA's Position**

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- 45 • NWPPA supports public power utilities' authority to manage all matters, including electric
46 utility rights-of-ways and fees, related to attachments to poles and all other electric power
47 system equipment and facilities owned, leased and/or operated by the public power utilities.
- 48 • NWPPA opposes any legislation or regulation that would preempt local utility, state or local
49 authority on this issue.
- 50 • NWPPA opposes any legislation or regulation that would impair utilities' ability to safely
51 manage pole attachments, such as imposing deadlines to complete various steps in the pole
52 attachment review process (often called "shot clocks") and to automatically approve a
53 carrier's application if the utility fails to meet a deadline (often called "deemed approved").
54 These requirements would undermine a thorough review, putting electric utility personnel,
55 the public or the electric infrastructure at risk for safety or reliability.