

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of

Accelerating Wireline Broadband Deployment	)	WC Docket No. 17-84
By Removing Barriers to Infrastructure Investment	)	
	)	
Accelerating Wireless Broadband Deployment by	)	WT Docket No. 17-79
Removing Barriers to Infrastructure Investment	)	
	)	
To: The Commission		

**REPLY TO OPPOSITIONS OF  
THE NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION**

The National Rural Electric Cooperative Association (“NRECA”) hereby submits its Reply to Oppositions filed in the above-captioned proceedings regarding pole attachments. NRECA members support the Commission’s efforts to promote broadband deployment and the spread of 5G wireless services, particularly in the rural areas of the Nation in which member cooperatives generate and distribute electric power for residential, institutional, small business and larger commercial and industrial end users. Balancing those interests with the overarching goal of NRECA members to provide safe and reliable electric service to rural communities, NRECA supports the practical, common sense adjustments to the *Third Report and Order’s* pole attachment regulations that are proposed in the Petition for Reconsideration filed by the Coalition of Concerned Utilities.<sup>1</sup>

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<sup>1</sup> *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment* (WC Docket No. 17-84), *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment* (WT Docket No. 17-79), *Third Report and Order and Declaratory Ruling* (rel. Aug. 3, 2018) (“*Third Report and Order*”), “Petition for Reconsideration of the Coalition of Concerned Utilities” (filed Oct. 15, 2018) (“Coalition’s Petition”).

## **INTRODUCTION**

NRECA is the national service organization for more than 900 not-for-profit rural electric cooperatives that provide electric energy to approximately 42 million people in 47 states or approximately 12 percent of electric customers. Rural electric cooperatives serve 88% of counties of the United States. NRECA's members include approximately 65 Generation and Transmission ("G&T") cooperatives and 840 Distribution cooperatives. Rural electric cooperatives were formed to provide safe, reliable electric service to their member-owners at the lowest reasonable cost, and are dedicated to improving the communities in which they serve. Electric cooperatives are private, not-for-profit entities that are owned and governed by the members to whom they deliver electricity, and operate according to the seven Cooperative Principles.<sup>2</sup>

## **DISCUSSION**

### **A. The Rule Permitting Self-Help in the Electric Space is Dangerous and Should Be Eliminated**

The Coalition's Petition argued forcefully that self-help in the electric space should never be allowed,<sup>3</sup> and NRECA members agree. Maintaining the safety and operating integrity of the electric space on electric utility poles is crucial to providing safe and reliable electric service. There cannot be work performed in the electric space by anyone that is not supervised and under the direct control of the electric utility pole owner. This is particularly true of communications

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<sup>2</sup> The seven Cooperative Principles are: Voluntary and Open Membership, Democratic Member Control, Members' Economic Participation, Autonomy and Independence, Education, Training and Information, Cooperation Among Cooperatives, and Concern for Community.

<sup>3</sup> Coalition's Petition at 7-10.

attachers, who are unqualified to supervise such work and who cannot be trusted to supervise such work, in the experience of many electric cooperatives. Oppositions filed by Verizon and the American Cable Association contend that the rules established by the *Third Report and Order* provide adequate protections and give utilities the ability to prevent such electric space self-help.<sup>4</sup> But there is no instance at all in which self-help in the electric space should be permitted, and though complying with make-ready deadlines is important, it does not warrant sanctioning a dangerous activity.

**B. Overlapping is a Problem That Can Be Addressed With Effective Oversight**

NRECA agrees with the Coalition that effective oversight and control of overlapping is required. The issue of low-hanging overlashed wires causing vehicular accidents over roadways is not limited to more populated areas, and the Coalition's explanation that overlapping causes increased loading on the poles is certainly accurate.<sup>5</sup>

NCTA dismisses these "old arguments that overlapping can be unsafe" as if overlapping is not an issue at all, and claims the *Third Report and Order's* limited rulings which hold attachers responsible, require 15 days advance notice, and allow post-overlash inspections (without compensation), are sufficient.<sup>6</sup>

In reply, NRECA respectfully submits that these measures will not be sufficient. NRECA agrees with the Commission that the industry must find a way to facilitate overlapping, since overlapping can be an efficient means to expand capacity to serve growing needs. But it is also important to ensure that overlapping is done safely, and it is not too much to ask that overlashers identify what is being overlashed, that overlapping be performed under the

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<sup>4</sup> Verizon Opposition at 9-11; American Cable Association Opposition at 4-7.

<sup>5</sup> Coalition's Petition at 10-13.

<sup>6</sup> NCTA-The Internet & Television Association Opposition at 3-6.

supervision of a Professional Engineer who understands safety, and that utilities be reimbursed for inspecting such overlashing. While overlashing benefits the communications company doing the overlashing, it easily can, and often does, adversely affect the pole distribution system to the detriment of every party on the poles. These affected parties include new attachers who might not be able to attach because unsupervised and unaccountable overlashing has overloaded the system or otherwise made it unsafe.

In addition, NRECA joins the Coalition in seeking immediate removal of the dangerous and ill-advised new rule allowing overlashers to proceed with overlashing when there are pre-existing safety violations.<sup>7</sup> For example, if a wire to be overlashed is located too close to energized conductors in violation of the National Electrical Safety Code's 40-inch "Communications Worker Safety Zone," the contractor performing the overlashing can be electrocuted.

### **C. Utility Pole Owners Must Recover Their Costs**

It should go without saying that in order for the pole distribution system to be managed safely and efficiently for the benefit of everyone on the system, pole owners must be entitled to recover their costs of managing that system. As explained in the Coalition's Petition, the *Third Report and Order*: mistakenly denies cost recovery for overlashing review and inspections;<sup>8</sup> cost recovery should be allowed for preparing pole-by-pole make-ready estimates;<sup>9</sup> and measures to enable cost recovery should be implemented to address pre-existing violations.<sup>10</sup>

Everyone benefits from a smoothly-functioning and structurally sound pole distribution system. Permitting pole owners to recover their costs enables them to partner with

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<sup>7</sup> Coalition's Petition at 12-13.

<sup>8</sup> *Id.* at 12.

<sup>9</sup> *Id.* at 18.

<sup>10</sup> *Id.* at 16-17.

communications companies in a smoothly-functioning system. Disallowing cost recovery encourages them to become adversaries.

#### **D. Reasonable Timeframes and Processes Will Encourage Broadband and 5G Deployment**

The Coalition’s Petition proposed common sense, practical modifications to timelines associated with joint ride-outs,<sup>11</sup> preparing pole-by-pole estimates,<sup>12</sup> one-touch make-ready,<sup>13</sup> and application review.<sup>14</sup> The Petition also proposed that new attachers assist themselves and facilitate the process by identifying in their applications the existing attachers on the poles,<sup>15</sup> and by hiring a Professional Engineer to certify proposed one-touch make-ready work is indeed “simple.”<sup>16</sup> The only Opposition substantively addressing these proposed modifications was filed by the Fiber Broadband Association, which simply contended in large part that the concerns raised by the Coalition do not even exist.<sup>17</sup> NRECA supports the Coalition’s requests to adjust these timeframes because NRECA members know that these concerns exist, and know that realistic timeframes for addressing complex pole attachment processes is the best way to manage the system for the benefit of everyone.

### **CONCLUSION**

NRECA members applaud the Commission’s efforts to promote broadband deployment and the spread of 5G wireless services, particularly in rural areas, and offer their support to the

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<sup>11</sup> *Id.* at 19.

<sup>12</sup> *Id.* at 18.

<sup>13</sup> *Id.* at 23-24.

<sup>14</sup> *Id.* at 24.

<sup>15</sup> *Id.* at 19.

<sup>16</sup> *Id.* at 23-24.

<sup>17</sup> *See, e.g.*, Fiber Broadband Association Opposition at 4 (suggesting communications contractors actually are qualified to determine whether make-ready work is “simple”); at 14-15 (utilities all “should possess comprehensive information regarding the locations of their poles and should be able to identify incorrect pole numbers in a timely manner”); and at 16 (“The Coalition fails to identify the new attachers that do not want to participate in joint surveys”).

Coalition's Petition in order to balance those efforts with practical, common sense modifications to the pole attachment process established by the *Third Report and Order*, for the benefit of everyone using electric utility pole distribution systems.

Respectfully submitted,

**NATIONAL RURAL ELECTRIC  
COOPERATIVE ASSOCIATION**

*/s/ Brian M. O'Hara*

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