

DRM 17-139

Chapter Puc 1300 – Utility Pole Attachment Rules

Comments of Eversource

Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”) provides the below comments, edits, and suggestions on the draft Puc 1300 rules. In general, Eversource supports the existing rules and believes the rules are adequate to address the needs of New Hampshire pole owners and attachers and that there is no compelling reason to materially amend them. Accordingly, Eversource’s below comments are focused primarily on certain proposed revisions to the existing rules in the version marked “Initial Proposal 11-9-17” in the rulemaking notice form dated November 28, 2017, as well as to comments delivered during the January 24, 2018 public comment hearing.

1. Eversource supports the proposed changes intending to update references to other codes and standards to the most recent revisions.
2. At the public comment hearing, some parties suggested shortening time frames for notification and completion of make-ready work. Eversource does not support changing the existing timeframes in the 1300 rules. No demonstrable evidence has been presented that the existing time frames have consistently not worked, or that they have been a source of consistent problems with attachment applications, to warrant such changes.
3. Eversource shares the concern expressed by the New Hampshire Electric Cooperative during the public comment hearing regarding wireless attachments being permitted in the electrical space, as seems to be contemplated by the proposed revisions for Puc 1303.01 and 1303.09. In Eversource’s assessment, the language should be clarified to avoid permitting attachments within the electrical space as a matter of right. Instead, if attachments are to be permitted in the electrical space, language should be added to place the burden on the potential attacher to demonstrate why an attachment must be made in the electrical space, as opposed to in the communications space, and that the proposed attachment is safe and can be made in compliance with all applicable codes and requirements without additional cost to the utility pole owner, and without any adverse impact on the safe working conditions and reliability of service which the utility pole owner must provide to its employees and customers. Furthermore, avoidance of or reduction in make ready time frames or costs should not be an acceptable justification for seeking an attachment in the electrical space.
4. With reference to comments made during the public comment hearing, Eversource objects to any proposed amendment that would permit third party attachers to hire contractors to relocate electrical facilities on the pole. Utility pole owners, particularly electric utilities, must be allowed to retain control over all aspects of the operation, maintenance, repair, relocation and replacement of their electrical facilities on the pole, to assure employee and public safety, and the reliability of the operation of the electrical system at all times. Allowing third party attachers to encroach in any way into these areas, even with third party contractors, begins to erode the

control the pole owners must retain over their own facilities to assure their safe and reliable operation, and could materially increase the burden (and cost) upon utility pole owners and their customers to monitor, inspect or correct any such work to meet utility standards and applicable safety codes and requirements as required by law.

5. With reference to comments made during the public comment hearing, pole owners should not be made responsible for ensuring all attachers move within the specified time frames. Pole owners do not have the resources to be monitoring the activities of all attachers on all poles at all times, but do expect attachers to abide by their obligations to relocate their facilities within appropriate time frames. To the extent disputes arise regarding the relocation of facilities, resolution of those disputes belongs with the Commission and the complaint process under the existing rules.