

[Service Date March 24, 2015]



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • www.utc.wa.gov

March 24, 2015

**NOTICE OF OPPORTUNITY TO COMMENT ON
THIRD REVISED DRAFT RULES**

**(Opening Comments by Friday, April 17, 2015)
(Reply Comments by Friday, May 1, 2015)**

Re: Rulemaking to Consider Adoption of Rules to Implement RCW 80.54, Relating to Attachments to Transmission Facilities, Docket U-140621

TO ALL INTERESTED PERSONS:

On April 22, 2014, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to consider adoption of rules to implement RCW 80.54, relating to attachments to transmission facilities.

The Commission received written comments on its initial draft rules on October 8, 2014, and Commission staff conducted a workshop with interested stakeholders on October 28, 2014. As a result of the written comments and the oral comments made at the stakeholder workshop, Commission staff developed and sought comment on revised draft rules (Revised Draft Rules) by notice issued on January 6, 2015.

On February 6 and 27, 2015, the Commission received comments and reply comments on the Revised Draft Rules and other issues from several stakeholders (Second Comments). Commission staff has prepared a matrix summarizing those comments and Staff's recommendations (Comment Matrix), and Staff has developed further revised draft rules in response to the comments (Third Revised Draft Rules). Both documents are available for inspection on the Commission's website at www.utc.wa.gov/140621. If you are unable to access the Commission's web page and would like a copy of the Third Revised

Draft Rules and Comment Matrix sent to you, please contact the Commission's Records Center at (360) 664-1234.

WRITTEN COMMENTS

The Commission invites opening and reply comments on the Third Revised Draft Rules and Staff's recommendations in the Comment Matrix. In addition, the Commission seeks comments or information on the following:

- (1) The safety risks posed by attachments to poles on which both electric transmission lines and electric distribution lines are attached, including but not limited to the provisions of the National Electric Safety Code or other industry standard guidelines that identify and quantify those risks and whether poles used *primarily* for electric distribution lines pose the same risks;
- (2) The amount of time required to replace a pole (based on actual replacement data, rather than estimates);
- (3) Whether the timelines in draft WAC 480-54-030 should be modified to apply to applications for attachment to up to 300 (rather than 100) poles on condition that the owner may complete any required pole replacement within a longer period of time than authorized for other make-ready work (and if so, a proposal for that longer period of time);
- (4) The fees that owners currently charge to process and respond to applications for attachments to poles, ducts, or conduits and the types of costs on which those charges are based;
- (5) The fees that owners currently charge to undertake make-ready work and the types of costs on which those charges are based;
- (6) The rates that owners currently charge occupants for attachment to the owners' poles, ducts, or conduits, and the types of costs included in the ARMIS or FERC accounts used to calculate attachment rates in compliance with the Federal Communications Commission (FCC) formula;
- (7) The types of costs, if any, that an owner incurs in connection with attachments to its poles, ducts, or conduits that the owner cannot recover through an application fee, make-ready work charge, or attachment rate calculated and charged consistent with the FCC rules; and
- (8) The extent, if any, to which the FCC's Open Internet decision, *In re Protecting and Promoting the Open Internet*, GN Docket No. 14-28, FCC

15-24, Report and Order on Remand, Declaratory Ruling, and Order (March 12, 2015), affects the Commission's ability to adopt rules implementing RCW 80.54 or rules that vary from the FCC's own pole attachment rules.

Opening comments must be filed with the Commission no later than **5:00 p.m., Friday, April 17, 2015**, and reply comments are due no later than **5:00 p.m., Friday, May 1, 2015**. The Commission requests that the responses be provided in electronic format to enhance public access, for ease of providing responses, to reduce the need for paper copies, and to facilitate quotations from the responses. Responses should be in .pdf Adobe Acrobat or in Word 97 or later version. Responses may be submitted via the Commission's Web portal at www.utc.wa.gov/e-filing or by electronic mail to the Commission's Records Center at records@wutc.wa.gov. Alternatively, responses may be submitted by mailing or delivering an electronic copy to the Commission's Records Center on a flash drive or compact disk. Comment submissions should include:

- The docket number of this proceeding (U-140621).
- The commenting party's name.
- The title and date of the comments.

The Commission will post on its website all responses that are provided in electronic format. The website is located at the following URL address: www.utc.wa.gov/140621.

If you have questions regarding this rulemaking, you may contact staff lead, Gregory J. Kopta, at (360) 664-1355, or by email at gkopta@utc.wa.gov.

STEVEN V. KING
Executive Director and Secretary