**BEFORE**

**THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISION**

In the Matter of the Rulemaking to )

Consider Adoption of Rules to )

Implement RCW ch. 80.54 Relating ) Docket No. U-140621

to Attachments to Transmission )

Facilities. )

**RESPONSE OF FRONTIER COMMUNICATIONS NORTHWEST INC. TO COMMENTS ON THIRD DRAFT RULES GOVERNING ACCESS TO UTILITY POLES, DUCTS, CONDUITS AND RIGHTS-OF-WAY**

1. **Introduction**

Frontier Communications Northwest Inc. (“Frontier”) appreciates this opportunity to respond to comments submitted on the Commission’s third draft rules governing access to utility poles, ducts, conduits, and rights-of-way. It has a limited number of reply comments as set forth below.

1. **Frontier’s Response to Other Parties’ April 17 Comments**

**CenturyLink**- Frontier agrees with CenturyLink’s comment that the clarification set forth in WAC 480-54-010(3) is overly broad. [[1]](#footnote-1) The proposed rules do not, and cannot, apply to public utility districts, municipalities, or cooperatives.

**AT&T and CenturyLink**- Frontier agrees with the recommendations of both AT&T and CenturyLink that the definition of “carrying charge” and the rate calculation provision should provide an alternative formula when the net cost of a bare pole is negative.[[2]](#footnote-2) Such a formula should be consistent with the formulae the FCC has developed for such situations.

**Avista Utilities**- Frontier disagrees with Avista Utilities’ assertion that WAC 480-54-030(1) will enable a wireless carrier to demand the placement of an oversized pole for its own convenience if sufficient space exists on a standard-sized pole.[[3]](#footnote-3) This rule will only require a pole owner to place a new pole if the existing pole has no additional capacity and a taller pole could accommodate additional facilities.

**Puget Sound Energy**- Puget Sound Energy again claims that the new rules will significantly increase their staffing requirements and costs.[[4]](#footnote-4) Frontier notes that this assertion runs counter to Frontier’s experiences under similar rules that the FCC adopted in 2011 and the State of Oregon adopted in 2007.

**Responses to Question No. 7-** Numerous commenters represented that they incur various costs that they believe cannot be recovered through application fees, make-ready costs, or pole attachment rental rates. In response, Frontier simply reiterates its position that it does not have any unrecovered costs with respect to these items.

1. **Conclusion**

Frontier reiterates its appreciation of the Commission’s efforts establish uniform and consistent rules governing the rates, terms, and conditions for pole attachments.

Respectfully submitted,

**Frontier Communications Northwest Inc.**

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Jack Phillips

1. *CenturyLink’s April 17, 2015 Comments on Draft Rules* (“CenturyLink Comments”), pp. 1-2. [↑](#footnote-ref-1)
2. *Comments of AT&T*, April 17, 2015, pp. 4-5 (addressing the definition of “carrying charge” in WAC 480-54-020(3)); CenturyLink Comments, pp. 4-5 (addressing the calculation of pole attachment rates in WAC 480-54-060). [↑](#footnote-ref-2)
3. *Comments of Avista Utilities* [↑](#footnote-ref-3)
4. *Comments of Puget Sound Energy*, April 17, 2015, p. 21. [↑](#footnote-ref-4)