

**BEFORE**

**THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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.	)	

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

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**I. 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.

**II. 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.<sup>1</sup> 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.<sup>2</sup> Such a formula should be consistent with the formulae the FCC has developed for such situations.

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<sup>1</sup> *CenturyLink’s April 17, 2015 Comments on Draft Rules* (“CenturyLink Comments”), pp. 1-2.

<sup>2</sup> *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).

**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.<sup>3</sup> 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.<sup>4</sup> 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.

### **III. 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

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<sup>3</sup> *Comments of Avista Utilities*

<sup>4</sup> *Comments of Puget Sound Energy*, April 17, 2015, p. 21.