



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

April 23, 2014

NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
(By Friday, May 30, 2014)
and
NOTICE OF WORKSHOP
(Set for Monday, July 28, 2014, at 9:30 a.m.)

Re: Rulemaking to Consider Adoption of Rules to Implement RCW ch. 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 ch. 80.54, relating to attachments to transmission facilities. The Commission filed the CR-101 under Docket U-140621.

Federal law requires the Federal Communications Commission (FCC) to regulate attachments to utility poles unless a state certifies that it regulates such attachments.¹ The Washington legislature elected to assert jurisdiction over attachments to transmission facilities by enacting RCW ch. 80.54. The statute authorizes the Commission “to regulate in the public interest the rates, terms, and conditions for attachments by licensees or utilities,”² and requires the Commission to adopt implementing rules, regulations, and procedures.³

On February 25, 2014, the Commission entered Order 01 in Docket UT-140024, denying the petition of PCIA – The Wireless Infrastructure Association to initiate a rulemaking to

¹ 47 U.S.C. § 224(c).

² RCW 80.54.020.

³ RCW 80.54.060.

adopt rules to implement RCW ch. 80.54. The Commission concluded that it should initiate its own, more comprehensive rulemaking proceeding. This is that proceeding.

PCIA in its rulemaking petition proposed that the Commission adopt the most recent set of FCC rules regulating pole attachments (47 C.F.R. § 1.1401 through 1.1424). In addition, the Public Utility Commission of Oregon (OPUC) has adopted rules governing pole and conduit attachments (OAR 860-028-0000 through 03100). Copies of both sets of rules are available on the Commission's website under the docket number for this rulemaking. The Commission proposes to use the FCC and OPUC rules as the starting point for developing its own rules to govern attachments to transmission facilities in Washington.

The Commission invites initial written comments on rules to implement RCW ch. 80.54. Comments most useful to the Commission will be those that address the extent to which it should adopt some or all of the rules promulgated by the OPUC or the FCC governing utility pole and conduit attachments, as well as any suggested rule language. The Commission will conduct a subsequent workshop to address these issues.

The CR-101, as filed with the Code Reviser, is available for inspection on the Commission's website at <http://www.utc.wa.gov/140621>. If you are unable to access the Commission's web page and would like a copy of the CR-101 mailed to you, please contact the Records Center at (360) 664-1234.

WRITTEN COMMENTS

Written comments on the CR-101 inquiry must be filed with the Commission no later than **5:00 p.m., Friday, May 30, 2014**. The Commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. You may submit comments 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@utc.wa.gov. Please include:

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

An alternative method for submitting comments is mailing or delivering an electronic copy to the Commission's Records Center on a flash drive, compact disk, or 3 ½ inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later format. Include all of the information requested above. The Commission will post on its

web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/140621>.

If you are unable to file your comments electronically the Commission will accept a paper document. 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.

STAKEHOLDER WORKSHOP

In addition to filing written comments, interested persons are invited to attend a stakeholder workshop on **Monday, July 28, 2014, beginning at 9:30 a.m., in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington**. At the workshop, Commission staff will review and discuss comments with the stakeholders.

Stakeholders will have further opportunity for comment. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's website as it becomes available. If you wish to receive further information on this rulemaking you may:

- Call the Commission's Records Center at (360) 664-1234
- Email the Commission at records@utc.wa.gov
- Mail written comments to the address below

When contacting the Commission, please refer to Docket U-140621 to ensure that you are placed on the appropriate service list. The Commission's mailing address is:

Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

NOTICE

If you do not want to comment now, but do want to receive future information about this rulemaking, please notify the Executive Director and Secretary in one of the ways described above and ask to be included on the mailing list for Docket U-140621. If you do not do this, you might not receive further information about this rulemaking.

STEVEN V. KING
Executive Director and Secretary