



Puget Sound Energy
P.O. Box 97034
Bellevue, WA 98009-9734
PSE.com

October 8, 2014

Filed via WUTC Web Portal

Mr. Steven V. King
Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250

**Re: Comments of Puget Sound Energy, Inc. on Draft Rules
Rulemaking Relating to Attachments to Transmission Facilities
Docket No. U-140621**

Dear Mr. King:

Puget Sound Energy, Inc. ("PSE") thanks the Washington Utilities and Transportation Commission ("Commission" or "WUTC") for the opportunity to provide comments on its draft rules relating to attachments to transmission facilities. PSE outlines its proposals for changes to the draft rules below.

Firstly, the title of RCW ch. 80.54 is confusing as this rule should describe attachments to distribution facilities, not transmission facilities. To alleviate this confusion PSE proposes that the draft **WAC 480-54-010** include a third subsection to read as follows:

- (3) *This chapter governs attachments to facilities that are subject to the jurisdiction of the commission and does not govern attachments to facilities that are subject to the jurisdiction of the Federal Energy Regulatory Commission.*

PSE proposes that the definition for "Make-ready work" in the draft **WAC 480-54-020(10)** Definitions, be modified by the deletion of the following language, "..., installation of additional support for the utility pole, or creation of additional capacity, up to and including replacement of an existing pole with a taller pole." This is consistent with 47 USC 224(f) which states that a pole owner can deny access, "...where there is insufficient capacity..." Also, as detailed in comments regarding WAC 480-54-030(6)(a)&(b), the timeline for make-ready work is inconsistent with pole replacement. The proposed subsection would read as follows:

- (10) "Make-ready work" means work required to modify a pole, duct, conduit, or right-of-way to enable the facility to accommodate one or more additional attachments. Such work may include rearrangement of existing attachments."

PSE proposes that the definition of “Usable space” in the draft **WAC 480-54-020(14)** be modified to establish 13.5 feet as the amount of usable space for poles. This change makes the definition very clear with respect to distribution poles. The definition of usable space for conduit includes the final phrase, “...and which includes capacity occupied by the facility utility.” To make this clear, this phrase should be modified to read as follows, “...and which capacity shall include capacity for existing or future facilities of the facility utility.” The proposed subsection would read as follows:

- (14) “Usable space,” with respect to poles, means the *13.5 feet of space on a utility pole above the minimum grade level which can be used for the attachment of wires, cables, and associated equipment, and which includes space occupied by the facility utility.* With respect to conduit, “usable space” means capacity within a conduit that is available or that could, with reasonable effort and expense, be made available, for the purpose of installing wires, cable, and associated equipment for telecommunications or cable services, and which *capacity shall include capacity for existing or future facilities of the facility utility.*”

PSE proposes that additional clarity around the term safety space would be useful in the definition of “Usable space” and proposes its addition as a defined term. The proposed subsection would read as follows:

- (13) “*Safety space*” means the *40 inches of space on the pole that communication workers are required to maintain between the electrical supply space and the communications space.*”

In order to effectively schedule make-ready work, the priority of the work needs to be established. PSE proposes that the following be added to draft **WAC 480-54-030(1)**, Duty to provide access; make-ready work; timelines, “All attachment requests shall be treated equally without undue discrimination or preference and all make-ready work shall not be given priority over work requested by other customers of the facility utility, but rather shall be scheduled with and given the same priority as work requested by other customers of the facility utility.” The proposed subsection would read as follows:

- (1) A facility utility shall provide other utilities or licensees with nondiscriminatory access for attachments to or in any pole, duct, conduit, or right-of-way the facility utility owns or controls. A facility utility may deny such access on a nondiscriminatory basis where there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles. *All attachment requests shall be treated equally without undue discrimination or preference and all make-ready work shall not be given priority over work requested by other customers of the facility utility, but rather shall be scheduled with and given the same priority as work requested by other customers of the facility utility.*

PSE notes that **WAC 480-54-030(3)** requires the facility utility to survey facilities in response to an application for access. Depending on the application, the work required to complete a survey may be extensive, and the cost of the survey should not fall on the facility utility’s other customers, therefore PSE proposes that the following sentence be added to subsection (3), “The facility utility may charge the utility or licensee the actual cost of completing the survey.” The proposed subsection would read as follows:

- (3) A utility or licensee must submit a written application to a facility utility to request access to its facilities. The facility utility must survey the facilities identified in the application and respond in writing to requests for access to those facilities within 45 days from the date the facility utility receives a complete application, except as otherwise provided in this section. A complete application is an application that provides the information necessary to enable the facility utility to survey the facilities to or in which the requester seeks to attach. *The facility utility may charge the utility or licensee the actual cost of completing the survey.*

PSE also notes that **WAC 480-54-030(5)** requires the facility utility provide an estimate of charges to perform make-ready work. Depending on the application, the work required to complete an estimate may be extensive and include engineering and other work. The cost of providing the estimate should not fall on the facility utility's other customers, therefore, PSE proposes that the following sentence be added to subsection (5), "The facility utility may charge the utility or licensee the actual cost of completing the estimate or include such costs in the charges for make-ready work." The proposed subsection would read as follows:

- (5) To the extent that it grants the requested access, the facility utility's written response must inform the attacher of the results of the review of the application, including but not necessarily limited to a notification that the facility utility has completed a survey of the facilities identified in the application. Within 14 days of providing its written response, the facility utility must provide an estimate of charges to perform all necessary make-ready work. *The facility utility may charge the utility or licensee the actual cost of completing the estimate or include such costs in the charges for make-ready work.*

In regards to the draft of **WAC 480-54-030(6)(a)&(b)**, Duty to provide access; make-ready work; timelines, PSE proposes that the dates set for completion of make-ready work for both attachments in the communication space and above the communications space be consistent with known historical timelines. The 60 or 105 days for completion of make-ready work will work for all make-ready work except pole replacement. For pole replacement, two to three months are typically required for engineering and design, six weeks to six months for manufacturing and delivery of a pole, and four to six weeks to schedule a crew. On average, PSE projects range from four and a half months to ten and a half months to complete. Also, as mentioned in the PSE-proposed change to the draft WAC 480-54-020(10) definition of make-ready work, the inclusion of pole replacement in make-ready work is inconsistent with 47 USC 224(f). The proposed subsections would read as follows.

- (6)(a)(ii) Set a date for completion of make-ready work that is no later than 180 days after the notice is sent (or 225 days in the case of larger orders, as described in subsection (f) of this section). For good cause shown, the facility utility may extend completion of the make-ready work by an additional 15 days.

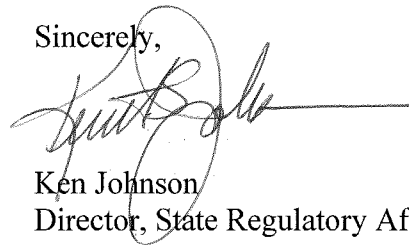
(6)(b)(ii) Set a date for completion of make-ready work that is no later than 180 days after notice is sent (or 225 days in the case of larger orders, as described in subsection (f) of this section). For good cause shown, the utility may extend completion of the make-ready work by an additional 15 days.

PSE proposes that all occurrences of the phrases “right-of-way” and “rights-of-way” be deleted from the Commission’s draft rules. These terms are found in all sections of the rules and the title. PSE does not typically have the permission of the landowner or government entity that owns or controls the property to grant the use of the property to third parties.

Finally, PSE found some of the draft rules a little confusing due to the use of the words section and subsection apparently having inconsistent use. For example, in the draft **WAC 480-54-030(6)(a)(ii)** reference is made to subsection (f) of this section. PSE believes that this is a reference to WAC 480-54-030(7) (f is the 7th letter of the alphabet) so this reference to a “subsection” is to this highest subdivision of WAC 480-54-030 and the “section is WAC 480-54-030. Another example is in the draft of **WAC 480-54-030(7)(a)** which refers to subsections (b) through (e) of this section. In this reference subsection is to the second level subdivision of WAC 480-54-030 and “section” refers to the highest subdivision of WAC 480-54-030.

If you have any questions about the comments contained in this filing, please contact Lynn Logen, Supervisor Tariffs at 425-462-3872.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Johnson', with a horizontal line extending to the right.

Ken Johnson
Director, State Regulatory Affairs

Cc: Simon J. ffitch, Public Counsel
Sheree Carson, Perkins Coie