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MAW Communications Inc.
Po Box 978
Reading, PA 19603 www.MAW.com.com

November 28th, 2018

VIA ELECTRONIC FILING

Rosemary Chiavetta,
Secretary Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

RE: Rulemaking to Assert the Assumption of Commission Jurisdiction Over Pole Attachments
from the Federal Communications Commission Docket No. L-2018-3002672

Dear Secretary Chiavetta,

Enclosed please find MAW Communications' Reply Comments regarding the July 12th, 2018
Notice of Proposed Rulemaking.

Sincerely,

A handwritten signature in black ink that reads 'Mindy Wiczowski'.

Mindy Wiczowski
Vice President
MAW Communications Inc

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Standardized Pole Attachment Agreements

MAW disagrees with First Energy, PECO, PPL and CenturyLink who support allowing pole owners to have the authority to negotiate and/or create individualized pole attachment agreements. Under the current FCC ruling the pole owners have authority to interpret applicable FCC law to create and negotiate pole attachment agreements with attachers. Pole owners also are granted authority to interpret and enforce said agreement.

It is MAW's experience that when pole owners are given the ability to create, implement, negotiate, interpret, and enforce pole attachment agreements conflict is bound to occur between the pole owners and attachers.

We believe that this creates hostility between the pole owners and attachers. More importantly, it impedes broadband deployment while the pole owners and attachers resolve the conflict. This can also result in disputes regarding interpretation of attachment procedures and policies, attachment types, and unauthorized attachments, which in MAW's experience, results in time consuming and expensive dispute resolution, between the parties.

MAW believes that all attachment procedures and policies including processes, pre-engineering and make-ready fees, along with annual rates and regulations of public rights of way should be standardized. Standardization will help to ensure the best attachment practices are upheld uniformly and fairly across all PA regulated pole owners and attachers. Consequently, ensuring all consumers of the services are given the lowest cost services available and accelerated deployment of necessary broadband infrastructure.

By creating and implementing a standardized pole attachment agreement, all attachers and pole owners will be regulated under the same rules. This also allows for the PUC to be the regulatory body to interpret and enforce the agreement. MAW believes the result would be decreased friction and conflict between owners and attachers; which, in turn, fosters better working relationships between owners and attachers, while also accelerating cost effective deployment of broadband services throughout the state.

MAW believes that a working group that includes both pole owners and attachers would best be suited to hash out a working standardized pole attachment agreement that encompasses

the needs of pole owners and attachers. MAW would also highly support the standardized pole attachment agreement to go through a due diligence process in which comments and reply comments are received and considered before enforcement of the agreement. The working group process would enable pole owners and attachers concerns to be considered prior to enforcement. MAW would welcome any opportunity to participate as part of the working group of pole owners and attachers.

Unauthorized Attachments

MAW believes that a uniform pole attachment registry with mandatory 3-year updates would help pole owners identify unauthorized attachments by employing an unauthorized attachment fee of no more than 3 times the annual pole attachment rate, which would be sufficient. However, if the PUC decided not to implement a uniform pole registry, then MAW believes that the current FCC fee schedule of no more than 5 times the annual pole attachment fee is sufficient.

MAW whole heartily agrees with PECO in their Reply Comments that:

“As more and more attachments are made to those poles, they are becoming increasingly congested, and space on these poles must be allocated safely and efficiently for the benefit of everyone. To permit a communications company to install attachments at will, and without first seeking permission, would be dangerous to both the attacher and all those who would come to later work on the pole. It would also be unfair to other attachers who “follow the rules” and seek permission.”

MAW does not believe that unauthorized attachments should be “treated with impunity” as PECO suggested in their reply comments. Instead we believe and agree that unauthorized attachments are a serious concern for the attachers and the owners and most importantly the pole workers and the public.

It is MAW’s experience that pole owners having the ability to create, implement, interpret, and enforce pole attachment agreements increases the likelihood that disputes will occur over the interpretation of unauthorized attachments, policies or procedures detailed in the agreement. Therefore, MAW believes that a standardized pole attachment agreement that is

enforced and interpreted by the PUC will ensure that disputes are handled fairly between pole owners and attachers.

MAW also believes that although unauthorized attachments can pose a danger to the owners, attachers, workers and public, there are better and more efficient methods for remedy than removal of the unauthorized attachment. These remedies should not include removal as they cause the most harm to customers who were serviced by the unauthorized attachment. The customers are then forced to endure the punishment of the attacher by their service being removed as a result of the attachers unauthorized attachment.

MAW supports unauthorized attachments that are not in compliance with the NESC or NEC should be remediated posthaste. Therefore, MAW suggests that all noncompliant unauthorized attachments should be remediated within 30 days of notice. MAW also suggests that the responsible party of the non-compliant unauthorized attachments should be financially responsible for the necessary remediation of the attachments along with an unauthorized attachment fee equaling either 3 – 5 times the annual pole attachment fee with respect to whether the uniform pole registry is adopted.

Conclusion

MAW appreciated the opportunity to file these Reply comments and requests that they be favorably considered.

Respectfully,



Mindy Wiczowski

Vice President

MAW Communications Inc