

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: August 29, 2017**AT (OFFICE):** NHPUC**FROM:** *ML* Michael Ladam, Director, Regulatory Innovation and Strategy**SUBJECT:** Staff Recommendation re: Puc 1300 Pole Attachment Rules – Potential Revisions and Renewal**TO:** Debra Howland, Executive Director**CC:** David Wiesner, Staff Attorney

The current rules regarding pole attachment rights and processes became effective as “Chapter Puc 1300 Utility Pole Attachments” on December 11, 2009. Those rules were developed in Docket DT 08-004 and reflected the consensus of a wide range of stakeholders. Pursuant to state law in effect at the time, these current rules will expire eight years from their effective date, on or about December 11, 2017.

In adopting these rules, New Hampshire asserted its authority over pole attachments under 47 U.S.C. §224(c). Absent this assertion of state authority, regulation of pole attachments in New Hampshire would fall under the Federal Communications Commission (FCC). In Staff’s assessment, following discussions with various stakeholders, the state and its telecommunications industry are better served by maintaining the state role in pole attachment oversight.

Staff therefore requests that the Commission open a docket for a rulemaking proceeding to potentially revise the current Puc 1300 rules. Staff further requests that the Commission schedule a technical session with interested stakeholders to consider and discuss the following issues, and other issues that may arise:

- Should the Commission establish a process under which third-party pole maintenance operators are identified and authorized to act when pole owners are unable to complete make-ready work in accordance with agreed-upon schedules, similar to rules adopted by the FCC?
- Should the Commission adopt rules to ensure that existing pole attachments now owned by the pole owner are moved in a timely fashion? If so, what form should such rules take?
- Are there innovations in pole attachment regulation in other states or in federal proceedings that the Commission should consider adopting?

Additional technical sessions may be proposed in the future to consider revisions to the Puc 1300 rules.