

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17105-3265**

**Assumption of Commission Jurisdiction  
Over Pole Attachments from the Federal  
Communications Commission**

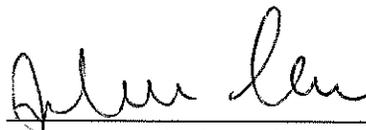
**PUBLIC MEETING: July 12, 2018  
3002672-LAW**

**Docket No. L-2018-3002672**

**STATEMENT OF VICE CHAIRMAN ANDREW G. PLACE**

Through the Notice of Proposed Rulemaking (NOPR) Order that is being advanced today, the Commission proposes to adopt the regulatory framework of the Federal Communications Commission (FCC), and exercise state jurisdiction over the various issues that involve pole attachments. I note that these issues have a certain degree of complexity in terms of compensation as well as ordinary engineering safety and reliability. Similarly, multiple parties have numerous and often diverging interests. I also note that the FCC's regulatory framework for pole attachments does not extend to poles owned by municipal and cooperatively owned entities (e.g., electric cooperatives). Furthermore, there are several indications that the FCC's regulatory framework that is applicable to pole attachments will be subject to change in the near future.<sup>1</sup> In view of these factors and future developments interested parties in this rulemaking proceeding should provide substantive comments and/or reply comments on the following issues:

1. The legal and technical interactions and ramifications of any future Pennsylvania statutes that may address pole attachments with any potentially adopted Commission rules on pole attachments that are based on the FCC regulatory framework.
2. The technical and legal ramifications of adopting the FCC regulatory framework for pole attachments in Pennsylvania while the FCC may proceed with future changes to its own regulations on pole attachments at the federal level. Would the Pennsylvania pole attachment regulations be automatically linked with the corresponding FCC regulatory framework changes at the federal level? Or, will the Commission be obliged to institute a new rulemaking or other proceedings with appropriate due process notice and comment under applicable Pennsylvania law in order to consider such future changes in the FCC's own regulatory framework for pole attachments?
3. Whether the Commission's existing exercise of jurisdiction, including ratemaking mandates, over public utility entities that are and will be subject to pole attachment regulations, will present any unique issues that may require Pennsylvania-specific changes to the FCC's applicable regulatory framework.



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Andrew G. Place  
Vice Chairman

Dated: July 12, 2018

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<sup>1</sup> Ajit Pai, Chairman, FCC, "Coming Home," July 11, 2018 blog entry, <https://www.fcc.gov/news-events/blog/2018/07/11/coming-home>, accessed July 11, 2018 (future FCC action on "make ready" and "one-touch-make-ready" pole attachment issues). See also Broadband Deployment Advisory Committee of the FCC, *Report of the Competitive Access to Broadband Infrastructure Working Group*, (Washington, DC, January 23-24, 2018).