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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation into the  
Creation of a Shared Database or Statewide  
Census of Utility Poles and Conduit in  
California

Investigation 17-06-027

And Related Matters

Rulemaking 17-06-028

Rulemaking 17-03-009

**RULING SETTING PREHEARING CONFERENCE**

**Summary**

This ruling sets a Prehearing Conference (PHC) for Tuesday December 5, 2017, commencing at 1:30 p.m. in the Commission’s Courtroom E, 505 Van Ness Avenue, San Francisco, California.

**1. The PHC**

A Prehearing Conference (PHC) is called to determine the parties, confirm the service list, determine the positions of the parties, discuss the scope and schedule of the proceeding, and other procedural matters. The PHC will commence with a consideration of the issues relevant to Investigation 17-06-027, with a consideration of the issues relevant to Rulemaking 17-06-028 to follow. While the parties will be given an opportunity to speak and address the issues identified in this ruling, no ultimate determinations will be made at the PHC.

**2. PHC Statements**

Parties shall file PHC statements, not to exceed 7 pages, and no less than 12 point font, by the close of business on Thursday November 30, 2017. The PHC statement should address: (a) the need for hearing; (b) the issues to be

considered; (c) the proposed schedule for the proceeding; (d) the service list; and (d) other procedural issues necessary for a prompt resolution of this proceeding.

As part of their discussion of the issues to be considered, the parties are instructed to address the following queries in their PHC statements:

1. OII

- a. Should the Commission schedule workshops on database construction and operation in the first quarter of 2018, building and expanding on the presentations at the March 17, 2017 workshop?
- b. Prior to scheduling such a workshop, should the Commission order all municipally owned utility owners to provide the pole & conduit data requested in OII/OIR **Appendices A and B**? *See* OII Comment Questions 10 and 11; OIR Questions 29.
- c. Are there any other procedures that the Commission should employ to gain a better understanding of where the estimated 4.2 million utility poles are located in California, what is attached to them, what is their condition, and who owns them?

2. OIR

- a. No broadband internet access service (BIAS) providers filed Comments on the subject of Phase I (BIAS attachment). Should the assigned Administrative Law Judge and/or assigned Commissioner adjust the schedule to move forward with OIR Phase II issues at this time?
- b. If we proceed with OIR Phase II issues now, how and in what order should they be addressed?
  - i. Should the Commission consider possible ROW Rule Amendments to facilitate competition (OIR Comment Questions 17-22) and promote safety (Questions 21-22, 25, 29-30)? For example:

- Can the parties cite and describe specific instances when competitive access to poles and conduit infrastructure has been constricted (OIR Question 17)?
  - Should the Commission apply a uniform set of access rules to owners of poles, be they energy IOUs or communications providers?
  - In addressing both safety and competitive access concerns, should the Commission consider differences between the GO95 and NESC approaches to safety (and related matters) that could impact the pole attachment process and data base management of pole assets and attachments?
- ii. Should the Commission consider the safety and access responsibilities of joint pole owners and attachers (Questions 20, 30, 42-44)?
- Should the Commission direct Commission staff to attend joint pole association meetings and have access to joint pole association/committee documents and data?
- iii. Should the Commission delay consideration of the cumulative safety and competitive impacts (particularly Questions 23-24, 31-36, and 38) until some form of viable pole census or database is achieved?
- If the Commission delays consideration of the cumulative safety and competitive impacts as set out in the OIR, are there lessons to be learned in the recent fires that speak to the OII/OIR issues and which should be identified now?
  - Should consideration of the "impact of first-come, first serve system, where the last attacher is required to erect a new pole" (OIR Question 37), also be delayed?

- iv. Should the Commission consider Rules to facilitate the collection and sharing of data among network stakeholders, and/or the construction and operation of a shared database to promote safety and competition (OIR Questions 18, 29)?
  - To the extent that the Commission determines that a readily accessible database of poles and attachments (and possibly conduit) would promote safety, should the Commission mandate that municipal utilities participate and provide their pole and conduit data for use, in that database (OIR Question 40)?
- v. Should the impact of the “smart grid” and its corresponding telecommunications infrastructure on the use of utility poles and conduits (OIR Comment Question 41) be considered now, or delayed until an OIR Phase III? For instance, does the placement of smart grid support facilities on poles preclude other uses of such poles?
- vi. Are there other aspects of pole and conduit access and safety that should be addressed at the PHC?
- vii. Are there any other OII/OIR Comment Questions that should be addressed at the PHC?

### **3. Other Procedural Matters**

Parties are advised that they should not wait for the PHC to commence discovery. If parties are unable to resolve discovery disputes, they may tender their discovery disputes to the Commission pursuant to the procedure set forth in Resolution ALJ-164 and Rule 11.3 of the Commission’s Rules of Practice and Procedure.

**IT IS RULED** that:

1. The Commission has set a prehearing conference (PHC) in the above captioned matter for Tuesday, December 5, 2017, commencing at 1:30 p.m., in the

Commission Courtroom, 505 Van Ness Avenue, San Francisco, California. The PHC will commence with a consideration of the issues relevant to Investigation 17-06-027, with a consideration of the issues relevant to Rulemaking 17-06-028 to follow.

2. Parties shall file PHC statements, not to exceed 7 pages, and no less than 12 point font, no later than Thursday, November 30, 2017 by the close of business, on the issues set forth in this ruling.

3. Parties should not wait for the PHC to commence discovery. If parties are unable to resolve discovery disputes, they may tender their discovery disputes to the Commission pursuant to the procedure set forth in Resolution ALJ-164 and Rule 11.3 of the Commission's Rules of Practice and Procedure.

Dated November 17, 2017, at San Francisco, California.

/s/ ROBERT M. MASON III

Robert M. Mason III  
Administrative Law Judge