

July 25, 2025

Via Electronic Mail

Rachel Peterson
Executive Director
California Public Utilities Commission
505 Van Ness Ave.
San Francisco, CA 94102

**Re: Request for Extension of Time for Deadline in Ordering Paragraph 9 of Decision
21-10-019 During Pendency of Petition for Modification**

Dear Ms. Peterson:

Pursuant to Rule 16.6 of the California Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, the Major Pole Owners¹ and a group of pole attachers² (collectively, the “Requestors”) respectfully seek an extension of the one-year deadline in Ordering Paragraph (“OP”) 9 of Decision (“D.”) 21-10-019 (the “Track 2 Decision”) for submitting Track 2, Phase 2 data (the “Phase 2 Data Points”), which, as explained below, is currently September 9, 2025. In brief, the Requestors seek an extension until the Commission rules on Requestors’ concurrently filed Petition for Modification of the Track 2 Decision (“Petition”) (attached hereto), which seeks approval of an additional streamlined option for compliance with the Phase 2 requirements.

Granting the extension until the Commission rules on the Petition will be beneficial to the public, the Commission, the Major Pole Owners, and attachers. Among other things, the extension will allow the Major Pole Owners and attachers to conserve valuable time and resources that would otherwise be expended in an effort to comply with the current Phase 2 data requirements when an alternative—and far more efficient and comprehensive—option would be available if the Petition’s requested modifications are granted. Indeed, as described in the Petition, the investor-owned utilities (“IOUs”) alone estimate that the current Phase 2 data submission will cost more than \$650 million if left as is, and that the option in the Petition would substantially reduce those costs. In turn, ratepayers will not be subject to rate increases to recover the additional costs of complying with the current requirements. Additionally, the databases will be potentially more useful to the Commission if the alternative compliance pathway in the Petition is granted because PLCs generally include significantly more relevant information on the new attachments, data on

¹ The “Major Pole Owners” are: San Diego Gas & Electric Company (U-902-E) (“SDG&E”), Southern California Edison Company (U-338-E) (“SCE”), Pacific Gas and Electric Company (U-39-E) (“PG&E”), Pacific Bell Telephone Company dba AT&T California (U-1001-C) (“AT&T”), and Frontier California Inc. (U-1002-C), Frontier Communications of the Southwest Inc. (U-1026-C), and Citizens Telecommunications Company of California, Inc. (U-1024-C) (collectively “Frontier”).

² AT&T, AT&T Mobility Wireless Operations Holdings, Inc. (U-3021-C) and New Cingular Wireless PCS, LLC (U-3060-C) dba AT&T Mobility; Cellco Partnership dba Verizon Wireless (U-3001-C), MCImetro Access Transmission Services LLC (U-5253-C), and MCI Communications Services LLC (U-5378-C) (collectively, Verizon); Comcast Phone of California, LLC (U-5698-C) on behalf of itself and its affiliates; T-Mobile West, LLC d/b/a T-Mobile (U-3056-C); Crown Castle Fiber LLC (U-6190-C); Cox California Telcom, LLC (U-5684-C); and Sonic Telecom, LLC (U-7002-C).

all the pre-existing attachments, and information regarding the remaining strength of the pole. Moreover, the extension will not impact the work already completed in Track 1 and Track 2, Phase 1 with respect to the databases or otherwise cause harm to other parties to this proceeding or the public.

Background

On June 29, 2017, the Commission issued an Order Instituting Investigation 17-06-027 and Rulemaking 17-06-028 (“the OIR”) to explore the idea of creating statewide databases for attachments on joint poles.³ The Commission determined that the 5 Major Pole Owners should each create a pole database and divided the OIR into two tracks. In D.20-07-004 (the “Track 1 Decision”), the Commission set forth ten (10) *pole-specific* data points to be included in the databases.⁴ The databases have been populated with those data points.

On October 21, 2021, the Commission adopted the Track 2 Decision, which required entities with attachments on any of the Major Pole Owners’ utility poles (including the Major Pole Owners themselves) to provide twenty (20) *attachment-specific* data points for inclusion in the Major Pole Owners’ respective databases.⁵ The Track 2 Decision divided implementation into two phases; data points 1–5 and 18–20 (Attachment Identification and Attributes) were to be provided in Phase 1 and data points 6–17 (Attachment Specification and Loading) were to be provided in Phase 2.⁶ This multi-step process was sequential (*i.e.*, Phase 2 was to occur after Phase 1 *and was dependent* on the Phase 1 experience). In addition, the Track 2 Decision ordered workshops to be held for each of the phases with the data points being due 12 months after the filing of the workshop report for each phase.

The Phase 1 data points were generally due to the Major Pole Owners by April 2024⁷ and the Track 2 Decision directs that the data points be made available to authorized users of the databases in April 2025.⁸ OP 9 of the Track 2 Decision requires that attachers provide the Track 2, Phase 2 Data Points (*i.e.*, data points 6–17) for attachments within 12 months of the submission of the Phase 2 Workshop Report,⁹ which is September 9, 2025.¹⁰ The Major Pole

³ *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles & Conduit and Order Instituting Rulemaking into Access by Competitive Communications Providers to California Utility Poles and Conduit, Consistent with the Commission’s Safety Regulations.*

⁴ Track 1 Decision at 34–36 (OP 2) (these include for example, pole ownership, location details, pole class, and pole conditions).

⁵ Track 2 Decision at 31 (OPs 1–5).

⁶ *Id.* at 114.

⁷ *Id.* at 127 (OP 8) (requiring attachers to provide Phase 1 data within 12 months from the date the Major Pole Owners’ Advice Letters were approved). Based on the approval dates of the Major Pole Owner’s Phase 1 Advice Letters, and the subsequent six-month extensions granted to the pole attachers, the Phase 1 Data was to be submitted to AT&T, Frontier, SDG&E, and SCE in April 2024 and to PG&E in February 2024.

⁸ Track 2 Decision at 128 (OP 11).

⁹ *Id.* at 127 (OP 9) (“Pole attachers shall be responsible for providing the information required for Phase 2 Data Points 6–17 in Attachment A for existing and new pole attachments within 12 months from the date the Phase 2 joint workshop report of the five major pole owners in California . . . is filed.”).

¹⁰ The Phase 2 Workshop Report was filed on September 9, 2024.

Owners, who are also responsible for supplying the data points for their own attachments,¹¹ have 12 months from the date on which attachers provide their data to the Major Pole Owners to add the owner and attacher datasets to their databases (*i.e.*, September 9, 2026).¹²

During the Phase 2 Workshops, the parties were directed to “discuss lessons learned from implementation of [the Phase 1] Data Points 1–5 and 18–20 and discuss any further refinements that may be needed for implementing the Phase 2 Data Points.”¹³ As discussed in more detail in the Petition, during the Phase 2 Workshops, it became clear that the Phase 2 Data Points were—for the most part—a collection of various inputs or outputs from pole loading calculations (“PLCs”). It also was clarified that, contrary to the assumption in the Track 2 Decision, none of the Major Pole Owners or attachers maintained or collected the Phase 2 Data Points in the normal course nor was there any reason to do so.¹⁴ Thus, a consensus was reached among all the Major Pole Owners and attachers that the Phase 2 Data Points could be—and should be—streamlined significantly, and that this could be done without impacting the Commission’s goals in establishing the databases. Accordingly, consistent with the Track 2 Decision’s conclusion “that Commission staff may modify the data attachment requirements adopted by this decision by a resolution,”¹⁵ the Major Pole Owners and several attacher representatives met with Safety and Enforcement Division staff, Communications Division staff, and Legal Division staff representatives on several dates in the fall through early December of 2024 to explore various options for modifying and streamlining the Phase 2 Data Points.¹⁶ Ultimately, it became apparent that a petition for modification (rather than a resolution) would be required to seek the type of modifications proposed in the Petition.

Accordingly, the Requestors have prepared the Petition, which seeks to:

- (i) require owners and attachers to submit the following:
 - For all existing and future attachments, Data Points 8 and 11; and
 - For all existing pole attachments that were subject to the pole loading retention requirements specified in General Order 95 Rule 44¹⁷ and for all

¹¹ Track 2 Decision at 125 (OP 3) (“The five major pole owners in California . . . shall be responsible for incurring the costs to comply with supplying the attachment data points identified in Attachment A for their own attachments.”).

¹² *Id.* at 128 (OP 11) (“Each of the five major pole owners in California . . . shall add the datasets set forth in Attachment A to their pole databases within 12 months from the date pole attachers provide the information required by Attachment A”).

¹³ *Id.* at 114.

¹⁴ See Phase 2 Workshop Report at 10.

¹⁵ Track 2 Decision at 124, Conclusion of Law 23; *see also id.* at 133 (OP 32) (“The Commission authorizes its staff in the Communications Division and Safety Enforcement Division to modify, by resolution, the pole attachment database information set forth in Attachment A as needed to ensure the information required is up to date.”)

¹⁶ In November of 2024, while such discussions were ongoing, the Major Pole Owners and several attachers requested an extension of six months of the deadline in OP 9. The Executive Director denied that request, finding that there was insufficient cause at that time. *Request for Extension of Time for Deadline in Ordering Paragraph 9 of Decision 21-10-019* (Feb. 20, 2025).

¹⁷ General Order 95 Rules 44.1 and 44.2 both currently require that utilities and other attaching entities retain PLCs for the life of the pole; however, that document retention requirement was not added to the rules

future pole attachments, provide either Data Points 6-7, 9, 10, and 12-17 as individual data points or the PLC performed for those attachments.

As described in the Petition, this is a more efficient, cost-effective, and comprehensive way of populating the databases.

- (ii) clarify the investor-owned utilities' reimbursement process; and
- (iii) tie the implementation date for the production of the Phase 2 Data Points to the Commission's decision on the Petition (rather than the submission of the Phase 2 Workshop Report).

The Petition Demonstrates a Need for An Extension of Time

As explained above and in the attached Petition, there is good cause to modify the Track 2 Decision. The reasons for these modifications are multifold. Among other things, the proposed additional compliance option for the Phase 2 data requirements would provide more comprehensive data for inclusion in the Major Pole Owners' databases and significantly reduce the burden and expense of compliance, thereby reducing the impact on electric ratepayers and consumers. In fact, one IOU estimates that the adoption of the alternative compliance option in the Petition would result in a *300-fold* cost savings.¹⁸ Additionally, there are a number of new facts and changed circumstances that support the granting of the Petition under Rule 16.4(b), including: (i) the conclusions reached in the Phase 2 Workshop Report related to the availability of the Phase 2 Data Points, costs associated with obtaining them, and needed refinements to them; (ii) the issuance of Governor Newsom's October 30, 2024 Executive Order N-5-24 directing the Commission, in part, to examine regulations that may unduly increase electric ratepayers' bills, and (iii) the Commission's issuance of its one-touch make-ready decision, D.22-10-025, which, in part, permits rearrangement of attachments on poles by new attachers (and thus increases the complexity and reduces the accuracy of the Phase 2 Data Points in the databases).¹⁹

As such, the requested extension of time is necessary. If the Petition is granted, the Major Pole Owners and attachers will have the option to provide Phase 2 data in an alternate, more efficient and comprehensive format (*i.e.*, PLCs). As noted above, the Phase 2 Workshop confirmed that the individual Phase 2 Data Points are not maintained or collected in the normal course by the Major Pole Owners or attachers and the costs associated with collecting that data, to the extent feasible, are particularly onerous.²⁰ Granting this extension request while the Commission

until 2014. *See* D.14-02-015 at 53–54 (adding the requirement to Rule 44.1). Although there was a document retention requirement in Rule 44.2 [Additional Construction] as early as 2009, initially that rule was limited both in time and application. *See* D.09-08-029 (requiring utilities' retention of any PLCs for “additional construction” for five years), D.12-01-032 (requiring all “entities” with pole attachments to retain the required records for ten years), D.14-02-015 (requiring PLCs conducted for additional construction be retained for the life of the pole).

¹⁸ *See* Petition Exhibit 1 (SDG&E Declaration) at ¶¶ 8, 9 (estimating an approximate \$14.9 million reduction in compliance costs for SDG&E should the Petition be adopted).

¹⁹ *See* Petition at 13-21.

²⁰ *See* Phase 2 Workshop Report at Attachment 5: Detailed Discussion of Track 2, Phase 2 Data Points.

considers the Petition will rationalize the process of collecting the Phase 2 data and minimize the financial (and operational) burdens that would otherwise be borne—by Major Pole Owners and attachers, and ultimately by electric ratepayers and consumers.²¹

Importantly, the databases generally already contain the Track 1 and the Track 2, Phase 1 data and are otherwise available to authorized users per the Track 2 Decision. Moreover, the Petition demonstrates that the substantial expense of attempting to gather the Phase 2 Data Points as currently required (i.e., as separate data points for each attachment) outweighs any benefits associated with requiring strict compliance with the Track 2 Decision.²² In fact, no such benefits have been identified.²³ Instead, the public interest is served by extending the compliance deadline while the Commission considers the Petition.

Accordingly, Requestors seek an extension of the deadline to provide the Track 2, Phase 2 data until the Commission resolves the Petition.

Respectfully submitted,

/s/ Clay Faber

CLAY FABER
Director – Regulatory Affairs

²¹ See Petition Exhibit 2 (SCE Declaration) at ¶ 4 (estimating the cost for SCE to populate the Phase 2 Data Points to be approximately \$311 million); Petition Exhibit 1 (SDG&E Declaration) at ¶ 8 (estimating the cost for SDG&E to populate the Phase 2 Data Points to be in excess of \$15 million); Petition Exhibit 3 (PG&E Declaration) at ¶ 4 (estimating the cost for PG&E to populate the Phase 2 Data Points to be approximately \$330 million).

²² Petition at 13-16.

²³ See Phase 2 Workshop Report at 11-15.

cc: Administrative Law Judges (aljextensionrequests@cpuc.ca.gov)

Parties to I.17-06-027/R.17-06-028

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