

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 19-0252-RULE

| | |
|---|--|
| Petition of Vermont Department of Public Service for rulemaking to amend Public Utility Commission Rule 3.708 | |
|---|--|

Order entered: 02/07/2019

ORDER OPENING RULEMAKING PROCEEDING

In today's Order, pursuant to 30 V.S.A. §§ 2(c) and 203, and 47 U.S.C. § 224(c), the Vermont Public Utility Commission ("Commission") initiates a rulemaking proceeding to consider amending Commission Rule 3.700 to revise the procedures for pole-attachment applications and pole-preparation (or "make-ready") work.

I. BACKGROUND

On January 24, 2019, pursuant to 3 V.S.A. § 806, the Vermont Department of Public Service ("Department") filed with the Commission a petition for a rulemaking proceeding to amend Commission Rule 3.700 to revise the procedures for pole-attachment applications and make-ready work. The Department included with its petition a summary of proposed revisions to Rule 3.700, a proposed order of notice, a clean version of a proposed revised version of Rule 3.700 ("Proposed Rule"), and a redline copy of the Proposed Rule.

According to the petition, entities seeking to attach new facilities to utility poles in Vermont endure long delays and high costs under the current make-ready procedures specified in Rule 3.700. The Department states that the delays and costs are hindering the expansion of broadband service in the state. The Department's Proposed Rule would revise Rule 3.700 to reduce the delays and costs for attaching entities by providing a self-help remedy and a one-touch make-ready option. The Department explains that the revisions to the rule incorporate portions of the make-ready standards in the rules developed by the Federal Communications Commission in 2011 and 2018.

II. DISCUSSION

We agree with the Department that the make-ready procedures in Rule 3.700 should be reviewed and initiate this rulemaking proceeding to consider amending Rule 3.700 based on the

Department's Proposed Rule. We will begin this rulemaking process by soliciting initial comments on the Proposed Rule.

This case is being processed in the Commission's online document management system, known as ePUC, which can be accessed at <http://epuc.vermont.gov>. A copy of the Department's Proposed Rule is available in ePUC in Case No. 19-0252-RULE.

Any comments on the Department's Proposed Rule should be filed with the Commission by March 8, 2019. The Commission is particularly interested in receiving comments on what the process for this rulemaking should entail (e.g., how many rounds of comments and workshops are appropriate). Comments should be filed in ePUC using the "Add Briefs, Comments, or Discovery" action. Comments should not be filed using the "Public Comment" option. The Commission will establish a service list for this proceeding, which is not a contested case. Anyone interested in participating should contact the Clerk of the Commission at puc.clerk@vermont.gov.

III. ORDER

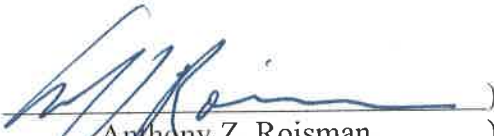
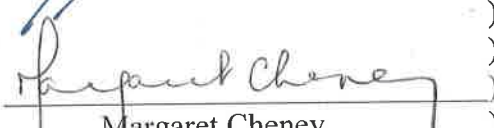

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Utility Commission ("Commission") of the State of Vermont that:

1. Pursuant to 30 V.S.A. §§ 2(c) and 203, and 47 U.S.C. § 224(c), a rulemaking proceeding is initiated to consider a proposal from the Vermont Department of Public Service to revise Commission Rule 3.700 (pole attachments: applications for attachment and make-ready work) (the "Proposed Rule").

2. Comments on the Proposed Rule should be filed with the Commission no later than March 8, 2019.

SO ORDERED.

Dated at Montpelier, Vermont, this 7th day of February, 2019.

| | | |
|--|---|----------------|
|  |) | |
| Anthony Z. Roisman |) | PUBLIC UTILITY |
| |) | |
|  |) | |
| Margaret Cheney |) | COMMISSION |
| |) | |
|  |) | |
| Sarah Hofmann |) | OF VERMONT |

OFFICE OF THE CLERK

Filed: February 7, 2019

Attest: 
Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 19-0252-RULE - SERVICE LIST

Sarah L. J. Aceves
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620
sarah.aceves@vermont.gov

(for Vermont Department of Public Service)

E-Mail Service list re Petition of the CLEC Association of Northern New England to amend Rule 3.706(D)(1) regarding the rental calculation for pole attachments