

Resolution Regarding Pole Attachment Policy

WHEREAS, The National Association of Regulatory Utility Commissioners (NARUC) strongly supports the implementation of federal and State telecommunications policies which facilitate the deployment of advanced communications products and services throughout the United States, protect the safety and reliability of the nation's critical electric infrastructure, and preserve the prerogatives of the States to ensure safety, reliability and engineering standards; *and*

WHEREAS, The Federal Communications Commission (FCC) has found that advanced telecommunications continues to play a critical role in the economy of the United States and in American life; and Congress requires that the FCC "take immediate action to accelerate deployment of such capability by removing barriers to infrastructure investment and by *promoting competition* in the telecommunications market;" *and*

WHEREAS, The FCC recently reconvened the Federal-State Joint Conference on Advanced Services (Joint Conference). The Joint Conference was originally formed in 1999 as part of the FCC's ongoing efforts to ensure that advanced services are deployed as rapidly as possible to all Americans. The Joint Conference serves as a forum for an ongoing dialogue among the Commission, State regulators, and local and regional entities regarding the deployment of advanced telecommunications capabilities; *and*

WHEREAS, State Commissions have a mutual and long-standing commitment to adopt in conjunction with the FCC policy to facilitate the deployment of advanced services by removing barriers and promoting technology neutral solutions; *and*

WHEREAS, NARUC's Committee on Telecommunications convened a panel discussion on pole attachment policy during the 2008 Winter Meetings in Washington, D.C. The diverse panel of stakeholders acknowledged the rights of communications providers under the FCC's jurisdiction to attach to utility distribution poles under Section 224 of the Telecommunications Act and the efficiencies provided in relation to this existing infrastructure in order to accelerate deployment of advanced communications products and services; *and*

WHEREAS, NARUC recognizes that certain States have certified to the FCC that they regulate pole attachments, while other States rely on the FCC to govern and resolve issues among parties; *and*

WHEREAS, Certain States have had and continue to have significant success with the adoption of technology neutral pole attachment policy and in effect the use of pole attachments to facilitate the delivery of competitive products and services to consumers; *and*

WHEREAS, Certain States have acknowledged the significant auxiliary benefit of using utility distribution poles for the siting of communication equipment to improve communications among first responders and public safety; *and*

WHEREAS, Some States have noted the use of utility distribution poles as a means to site communications equipment and as a means to balance consumer requests for access to products and services while utilizing more environmentally sound and aesthetically pleasing practices; *and*

WHEREAS, It is generally accepted among regulators that the attachment of communications equipment to distribution poles can be done in accordance with FCC rules, State-specific safety rules and the U.S. Occupational Safety and Health Administration (OSHA) guidelines; *now, therefore, be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened at its 2008 Summer Meetings in Portland, Oregon, directs the General Counsel of NARUC to compile, by the best means available, a report on the status of pole attachment regulation across the United States including a comprehensive list of appropriate “best practices” which could be employed by other States in an effort to advance policies which would further facilitate the deployment of advanced services by attaching communications equipment to utility distribution poles; *and be it further*

RESOLVED, That NARUC staff shall report on the completed report, consistent with this resolution, at the 120th Annual Convention in New Orleans, Louisiana.

Sponsored by the Committee on Telecommunications
Adopted by the Board of Directors July 23, 2008