



Craig J. Brown
931 14th St., 12th Fl.
Denver, Colorado 80202
Phone 303-992-2503
Facsimile 303-896-1107

Senior Counsel

Via ECFS

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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84

Dear Ms. Dortch:

In the *FNPRM*, the Commission sought comment on codifying its longstanding precedent regarding overlashing.¹ Consistent with that precedent and its goal of accelerating broadband deployment, the Commission should codify the principle that attachers are permitted, without a pole owner's prior approval, to overlash their own or third parties' pole attachments with telecommunications wires, including fiber-optic cable, fiber splice closures,² and similar incidental equipment. This rule will enable rapid deployment and upgrade of broadband services, while relying on subsequent inspection and make-ready processes to ensure that overlashed facilities comply with safety and engineering standards. This streamlined process should not apply, however, to equipment that is not incidental to overlashed telecommunications lines, such as strand-mounted antennas and other RF-emitting devices, batteries, and power supplies, because such equipment is much more likely to present safety and load concerns that should be addressed upfront through the pole attachment process, as modified in this proceeding.

¹ *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 32 FCC Rcd 11128, 11188-89 ¶ 160-62 (2017) (*FNPRM*), appeal of Report and Order and Declaratory Ruling pending sub nom., *Greenlining Institute, et al. v. FCC*, No. 17-73283 (9th Cir., pet. for review filed Dec. 8, 2017).

² A fiber splice closure is an encasement, commonly made of tough plastic, that protects the exposed area between spliced cables. Institute for Telecommunication Sciences, The Research Laboratory of the National Telecommunications and Information Administration, *Definition Splice Closure*, https://www.its.bldrdoc.gov/fs-1037/dir-034/_5042.htm.

Commenters express sharply divergent views on the Commission's overlashing precedent and how it should be applied today. Wireless, cable, and fiber providers generally focus on the potential benefits of overlashing, noting that this practice enables faster deployment of broadband facilities. They contend that the Commission long ago recognized this fact and permitted the attachment of all types of facilities to existing pole attachments without prior notice to or approval by pole owners. They further claim that prior notice or approval requirements are unwarranted because they would slow broadband deployment and any concerns about overloading or safety, including from strand-mounted antennas, are adequately addressed through compliance with accepted engineering standards.³

Electric utilities, in contrast, focus on the potential risks of overlashing. They assert that Commission precedent allows them to require prior notice of overlashing requests and authority to deny these requests when appropriate. The utilities urge the Commission to condone prior notice of 30 or even 45 days for any type of facilities added to existing pole attachments, including wire-to-wire overlashing, given serious risks of overloading, sag, and safety concerns from these arrangements.⁴

There is merit to each of these positions. In CenturyLink's experience, overlashing can and does accelerate broadband deployment, including that enabled by the Commission's Connect America Fund Phase II program. On the other hand, strand-mounted equipment can create risks that may not have been considered or present when the host facilities were installed. That is particularly the case for strand-mounted RF-transmitting antennas, routers, radios, electronic cross-connect equipment, batteries, power supplies, and other non-incident devices added to existing lines.⁵

As always in adopting pole attachment rules, the Commission must balance competing objectives of minimizing the time to place facilities on poles, ensuring the safety and service continuity of all facilities on those poles, and, most importantly, protecting pole workers and the general public from undue risks.⁶ CenturyLink believes the Commission can best strike this

³ See Reply Comments of CTIA at 2-6 (filed Feb. 16, 2018); Reply Comments of NTCA – The Internet & Television Association at 1-4 (filed Feb. 16, 2018); Reply Comments of Crown Castle International Corp. at 2-8 (filed Feb. 16, 2018); Reply Comments of the Fiber Broadband Association on the Further Notice of Proposed Rulemaking at 2-9 (filed Feb. 16, 2018).

⁴ See Reply Comments of CPS Energy at 3-8 (filed Feb. 16, 2018); Reply Comments on the Electric Utilities on Overlashing at 7-11 (filed Feb. 16, 2018); Reply Comments of the Utilities Technology Council at 2-6 (filed Feb. 16, 2018).

⁵ See Comments of CenturyLink at 7-10 (filed Jan. 17, 2018) (CenturyLink FNPRM Comments).

⁶ See *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment, 32 FCC Rcd 3266, 3268 ¶ 6 (2017) (noting that streamlined

balance by drawing a line between wire-to-wire overlashing and attachment of strand-mounted equipment that is not incidental to the host attachment.

Though even wire-to-wire overlashing can cause overloading, sag, and other safety concerns, particularly with ice or wind loading, such problems are much less common with overlashed wire and therefore can be adequately addressed through after-the-fact notice and inspection. Put simply, the benefits of wire-to-wire overlashing without prior approval by the pole owner outweigh the risk it creates.⁷

As part of its permitting policy, CenturyLink allows parties to overlash fiber optic cable to their own or other consenting parties' attachments on CenturyLink poles, subject to a requirement that the overlashing party provide appropriate notice, detailed description, and pole loading analysis to CenturyLink within 10 days of the overlashing. This policy also applies to fiber splice closures and other similar equipment that is appurtenant to the fiber optic cable being overlashed. After receiving notice, CenturyLink typically conducts a post-inspection of the overlashed facilities to ensure they comply with CenturyLink's standards and applicable safety and electric codes and do not pose loading concerns.⁸ If inspection reveals violations, overlashing parties and/or the owners of the host attachments holding the contract with CenturyLink are responsible for any make-ready and associated actual costs required to correct deficiencies or overloading identified in these inspections, which can include removal of the overlashed facilities or construction of a new pole.⁹ This policy thus gives overlashing parties significant incentives to install wire-to-wire overlashing that complies with applicable codes and policies, to avoid the time and expense of reworking those facilities after CenturyLink's inspection.

Such inspection and remediation processes are essential to ensure that the expediency of overlashing does not unduly threaten the safety and reliability concerns cited in the *Notice*,¹⁰ including inadequate spacing. Any rule or decision adopted by the Commission therefore should require parties installing wire-to-wire overlashing to notify the pole owner and provide a pole load analysis within 10 days of overlashing; give the pole owner an opportunity to inspect

pole attachment rules “could raise meaningful concerns about safety and protection of existing infrastructure.”) (*Notice*).

⁷ A requirement for prior notice of wire-to-wire overlashing is particularly problematic if the required notice period is 30 or even 45 days, as the electric utilities advocate. If the Commission allows a pole owner to require prior notice, that required notice should be no longer than seven days, consistent with AT&T's reply comments. Reply Comments of AT&T at 4 (filed Feb. 16, 2018).

⁸ CenturyLink FNPRM Comments at 5-6.

⁹ *Id.*

¹⁰ *Notice*, 32 FCC Rcd at 3268 ¶ 6.

overlashed facilities for compliance with applicable safety and engineering standards, including loading constraints; and require overlashers to undertake any make-ready necessary to comply with those standards, at the overlasher's expense.¹¹

A more rigorous process is necessary for strand-mounted antennas, power supplies, and other heavy or RF-emitting equipment.¹² CenturyLink acknowledges that exempting such arrangements from the standard pole attachment process might enable faster broadband deployment, at least in some cases.¹³ But, as noted, expediency is only one factor the Commission must consider. The pole owner needs an opportunity before strand-mounted equipment is installed to ensure that it will meet applicable safety and engineering standards, while maintaining reasonable oversight and control over their poles. For example, CenturyLink requires RF-emitting equipment to be appropriately labeled and to include a shut-off switch so that pole workers can take proper precautions when working near such equipment.¹⁴ And the weight and configuration of non-incident equipment can create considerably more sag, wind and ice loading, and stress on the pole than were considered in the engineering design and analysis conducted for the original wire to which the devices would be attached. Unlike wire-to-wire overlashing, these strand-mounted devices effectively constitute *new* attachments that need to be reviewed by the pole owner in advance to ensure the safety of the pole for workers and the general public, as well as consistency with local zoning requirements.¹⁵ Pole owners also are entitled to charge for any space on a pole that strand-mounted equipment occupies beyond that originally allocated to the host attachment. For example, if the sag from a strand-mounted antenna takes up space that could otherwise be used for another pole attachment, the pole owner should be able to charge the party placing the strand-mounted equipment for that additional occupied space.

Crown Castle asserts that it has installed 1,000 strand-mounted antennas and intends to install thousands more.¹⁶ This raises a critical point. CenturyLink is not arguing that strand-mounted antennas should be prohibited. Such arrangements may be appropriate in certain

¹¹ CenturyLink FNPRM Comments at 11.

¹² *Id.* at 10.

¹³ In practice, the complexity of these systems often requires considerable advance work and pole make-ready to be functional, mitigating any delay from being required to follow the pole attachment process for strand-mounted equipment. *Id.* at 8.

¹⁴ *Id.* at 7-8. Without these safeguards, CenturyLink could not ensure that these safety requirements are followed and pole workers could be exposed to unsafe levels of radiation, at least until this issue is addressed in the audit process, and by then irreversible damage may be done. *Id.*

¹⁵ *Id.* at 8.

¹⁶ *See* Comments of Crown Castle International Corp. at 3 (filed Jan. 17, 2018).

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
April 6, 2018
Page 5

situations, but only after the pole owner has had an adequate opportunity to review them to ensure compliance with applicable standards and requirements. Anything less would create undue risks to safety and service continuity.

This distinction between wire-to-wire overlashing and the addition of non-incidental equipment to existing attachments is consistent with the Commission's prior overlashing rulings, which do not logically extend to a party that is adding facilities of a much different character than the host attachments to which they would be attached.¹⁷

Thus, the Commission can best balance its objectives and responsibilities by codifying a rule permitting wire-to-wire overlashing without prior notice to or approval of the pole owner. But this streamlined process should not apply to non-incidental equipment and devices, such as strand-mounted antennas, batteries, power supplies, and other similar equipment, which present safety and load concerns best addressed through the standard pole attachment process.

Sincerely,

/s/ Craig J. Brown

¹⁷ CenturyLink FNPRM Comments at 10.