



July 25, 2018

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**RE: Ex Parte Notice: Accelerating Broadband Deployment by Removing Barriers to Infrastructure Investment.  
WC Docket No. 17-84**

Dear Ms. Dortch:

I am writing to you today about the Draft Order issued by the Commission on July 12, 2018, regarding *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*. Puget Sound Energy ("PSE") shares the Commission's goal of ensuring that communities across the Puget Sound region, Washington State, and the nation have access to high-speed Internet services, however, PSE believes the Draft Order poses several serious issues that the Commission should address before the Draft Order becomes final.

PSE has long supported the Commission's goal of expanding broadband access. In our 2010 Comments to the Commission (WC Docket No. 07-245), PSE stated that "we recognize that electric utilities, which maintain significant infrastructure that can be utilized to effectuate greater broadband penetration, have a vital role to play" in achieving the Commission's objectives. As one of the nation's leading utilities supporting collocation of facilities on our infrastructure, we are encouraged by many of the goals of the Draft Order, however we are concerned that some of the remedies proposed to meet those goals may result in unintended, even dangerous outcomes.

**The Commission should reconsider the proposed self-help remedies and should not adopt a self-help remedy for the electric space.**

PSE strongly objects to enhancing an attacher's self-help remedy for surveys and make-ready work above the communications space in the event that the utility is unable to meet the required make-ready deadlines. In many instances, utilities are unable to meet the existing make-ready deadlines due to delays and factors outside of their control. By shortening the existing make-ready deadlines while failing to provide assistance with the common factors that delay make-ready work, such as slow municipal permitting processes or unresponsiveness on the part of existing attachers, this Draft Order dramatically increases the likelihood of third-party contractors performing make-ready work in the electric space.

As the owners and operators of a complex electric distribution grid it is imperative that PSE retain full control of the contractors performing survey or make-ready work in the power space to ensure the safe and reliable operation of its electrical system. The Draft Order would allow third party oversight of work on PSE's electric distribution facilities which will reduce reliability of the electric grid, lower the quality of electric service, and create significant public safety risks. PSE has serious concerns about any

third party replacing poles, installing cross-arms, making conductor attachments, or other such make-ready activities in the electric space if they are not contracted directly by PSE. Allowing a self-help remedy option as drafted, where PSE's quality assurance and quality control procedures and safety standards are not contractually required, places all risk and responsibility on PSE for any infrastructure failures that would cause public injury or death, wildfires, or other such catastrophic events, as a result of make ready work that is performed by others through self-help.

**The Commission should not require utilities to maintain pole-by-pole estimates and billing practices for all parties as these requirements are infeasible and will further delay already stressed make-ready timelines.**

The Draft Order proposed requirements to have utilities provide pole-by-pole estimates of costs and estimates of existing attachers' costs is problematic and will lead to increased administrative costs, inaccurate estimates and disputes. Additionally, the provision that utilities "compile and submit these make-ready estimates and final invoices" for other third parties "due to their pre-existing and ongoing relationships with the existing attachers on their poles," requires utilities to assume the financial risk and accounting practices of said third parties. This ultimately could lead to ancillary telecommunication costs being subsidized by PSE's rate payers.

PSE's resources and systems are not set up to accommodate such estimating and billing requirements, therefore PSE would need to spend significant time and resources to specify and develop such capabilities. Additionally, the FCC's proposal for final invoices for make-ready work based on actual make-ready charges is similarly problematic and may result in utilities being unable to recover all costs. If the FCC adopts this Draft Order, then it should recognize that utilities will be required to undergo a complete overhaul of existing pole attachment application, approval, inspection and accounting processes, which will further delay the Commission's goal of ensuring that communities across the Puget Sound region, Washington State, and the nation have access to high-speed Internet services.

In summary, PSE believes the Commission should remove or revise these provisions, or postpone any decision on them until the FCC has received and considered further input, and addressed the significant public safety, reliability risks and shifting cost burdens that these provisions create for utilities and their customers. PSE thanks the Commission for its consideration of its comments and welcomes the opportunity to provide additional information or answer any questions that the Commission may have. We look forward to continuing to work with the Commission on a constructive basis to bring broadband and next-generation networks and services to residents in Washington State and across the nation without sacrificing the reliability and safety of the electric distribution system.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ken Johnson", with a long horizontal flourish extending to the right.

Ken Johnson  
VP Regulatory & Government Affairs  
Puget Sound Energy