

ATTACHMENT C

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

ZITO CANTON, LLC,

Complainant,

v.

PPL ELECTRIC UTILITIES CORPORATION,

Respondent.

Proceeding No. 17-284
File No. EB-17-MD-005

DECLARATION OF TODD MCMANUS

I, TODD MCMANUS, declare as follows:

1. I am Manager of Outside Plant at Zito Canton, LLC (“Zito”), with a general office address of 102 South Main Street, Coudersport, PA 16915. I make this Declaration in support of Zito’s Amended Pole Attachment Complaint in the above-captioned case. I know the following of my own personal knowledge, and if called as a witness in this action, I could and would testify competently to these facts under oath.

2. I have served as Manager of Outside Plant for 11 years. In this role, I am responsible for Zito’s plant construction, including aerial plant construction using existing utility poles.

3. I have reviewed the allegations in the Pole Attachment Complaint filed in this proceeding and verify that they are true and correct to the best of my knowledge, information and belief.

4. To construct its network in Pennsylvania, Zito requires access to poles owned or controlled by Pennsylvania Power & Light (“PPL”).

5. Prior to attaching facilities to PPL’s poles, Zito submits a pole attachment application to PPL. The application specifies the nature of the attachments requested and the particular poles to which attachment is sought.

6. Unlike other pole owners and counter to past practice, PPL’s contractor does not utilize pole profile information (such as the height and class of the pole and the facilities already attached to the pole) provided by Zito.

7. Instead, PPL engages a third party contractor to survey and collect the pole profile information for each of the poles on Zito’s applications. PPL does not allow Zito to participate in the selection of the contractor or to provide input into the terms and conditions governing the scope or price of the contractor’s work. Zito is responsible for the full cost of the contractor’s pre-attachment inspection work.

8. The survey conducted by PPL’s third-party contractor collects extensive information about the poles including information concerning PPL’s and other entities’ facilities attached to the poles, and multiple photos of each pole, the surrounding area, and adjacent mid-spans. Information about each pole is added to a Google-earth-like interactive map, which is uploaded to a PPL portal site (designed by a contractor for PPL) that produces electronic profiles of the poles, including metadata such as GPS coordinates.

9. Upon information and belief, PPL directs its third-party contractors to conduct a full pole loading analysis for every pole in Zito’s applications, regardless of the age and remaining strength of the pole or the facilities attached to the pole. Utilities and contractors often employ less costly, more efficient methods to determine the estimated remaining strength and load

capacity of a pole without having to undertake a costly and time consuming full pole loading analysis.

10. In addition to concerns about PPL's contractors' pre-attachment surveys and charges, Zito also has concerns about the make-ready solutions and associated charges devised by PPL's contractors during the pre-attachment process. The make-ready work for an additional communications attachment may include raising or lowering existing attachments, the use of extension arms, opposite side construction or other space saving construction techniques, guying or re-guying the pole to balance the load on the pole, stubbing a pole, adding a pole extender, or, where inadequate space or pole strength exists to accommodate a new attachment, replacing the existing pole. Replacing a pole is the most costly and time consuming make-ready option and can be avoided, in certain circumstances, using safe, less costly construction alternatives.

11. The nature of make-ready work required, if any, is determined during the pre-attachment survey process. In my experience, the most efficient and common method for determining what make-ready work is required to accommodate an attachment is through a "joint ride-out" during which representatives of the pole owner(s) and pole applicant travel to and physically inspect each pole in a given application to determine whether and what make-ready work is necessary. The joint ride-out produces make-ready decisions that account for the integrity and safety of the pole and attached facilities, as well as ensuring that the work is cost-effective. For example, there may be no need to replace a pole before the end of its useful life if existing facilities can be raised or lowered, if the attaching entity can safely use an extension arm, boxing or other approved construction technique to gain required clearances, or if the pole can be guyed to balance loads. Conversely, in some situations, the parties may be able to agree during the joint ride-out that a pole clearly needs to be replaced, thus eliminating the time and

expense associated with a later-conducted full loading analysis. A joint ride-out also allows the applicant to identify pre-existing non-compliant conditions that would require correction (such as pole replacement) notwithstanding the applicant's proposed attachment and for which the applicant should not be charged.

12. Zito has a vested interest in the safety and integrity of PPL's poles to which it attaches – i.e., its facilities are attached to these poles, and Zito depends on the electricity drawn from the electric facilities on the pole in order to operate – and it has valuable input to give concerning how it can safely, efficiently and cost-effectively attach facilities to PPL's poles. PPL does not allow Zito to accompany PPL's contractor on a joint ride-out when the contractor conducts the survey of the poles and makes certain decisions regarding necessary make-ready work.

13. Instead of make-ready decisions being made jointly in the field, PPL's contractors engage in a multistage pre-attachment process in which PPL's contractors make decisions about required make-ready work without Zito's input. In my experience, more poles are replaced prematurely using this process, resulting in substantial additional estimated deployment costs. Faced with such high costs, Zito often must opt to explore alternative deployment routes. Moreover, because decisions are not made in the field but are instead delayed until after additional back-office analysis is performed, Zito's consideration of such alternative routes is unnecessarily delayed.

14. PPL's invoices for the pre-attachment survey do not provide sufficient detail for Zito to determine exactly what tasks are being performed in the field and during the back-office analysis, and whether such tasks and the costs to complete them are reasonable.

15. PPL's invoice charges for make-ready work do not provide essential information necessary to enable Zito to verify whether the work is necessary or the charges are reasonable.

Without these essential details, Zito is unable to evaluate whether the make-ready work charges are reasonable under the circumstances and thus, whether to proceed with the work, consider a less costly alternative route, or whether other safe, yet more cost-effective solutions should be pursued.

16. Upon information and belief, PPL charges for and requires Zito to pay to correct pre-existing non-compliant conditions on its poles even though such work would be required regardless of whether Zito attaches to the pole.

17. My colleague, Kelly Ragosta, and I participate in weekly calls with representatives of Zito and PPL to discuss ongoing issues concerning Zito's attachments to PPL's poles, including the pre-attachment inspection and make-ready design process and PPL's invoices to Zito. Zito has expressed its concerns about the pre-attachment process to PPL on these calls and in prior correspondence between the parties and during mediation efforts at the FCC.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

By: Todd McManus
Todd McManus

Dated: November 13, 2017