

***UTC 2018 Resolution: Sharing Access with Utilities and Other CII in the 4.9 GHz Band***

**WHEREAS**, the Federal Communications Commission (FCC or Commission) has proposed expanding eligibility to utilities and other critical infrastructure industries (CII) as one way to encourage more effective use of the 4.9 GHz band (4940-4990 MHz) of the radio portion of the electromagnetic spectrum; and,

**WHEREAS**, this band is currently allocated to public safety exclusively, but is only lightly used by those entities; and,

**WHEREAS**, utilities use spectrum to run their own Information and Communications Technology (ICT) networks, which assist in the reliable and safe delivery of essential water, electric, and natural gas services; and,

**WHEREAS**, these ICT networks consist of wireless and wireline technologies which allow utility workers and industrial control systems to communicate, providing day-to-day reliability of our nation’s energy and water infrastructure; and,

**WHEREAS**, energy and water providers use these networks to: restore service after storms, add digital and “smart” technology services for their customers, modernize their infrastructure, allowfor intermittent generation resources to be added to the grid, deploy microgrids, utilize synchrophasors, and implement smart communities; and,

**WHEREAS**, the FCC is responsible for allocating spectrum in the public interest. However, the need for spectrum access is increasing exponentially due to the rise in usage of wireless devices like smart phones, laptops, tablets, unmanned aerial vehicles, autonomous machines, and much more; and,

**WHEREAS**, because the 4.9 GHz band is lightly used, it could be opened up to utilities and other CII; and,

**WHEREAS**, the Utilities Technology Council (UTC) has worked with the National PublicSafety Telecommunications Council (NPSTC) to develop a proposed 4.9 GHz band plan, which would include utilities as eligible entities to hold licenses. UTC believes that expanding eligibility to include utilities and other critical infrastructure entities will promote emergency response and partnerships between utilities and public safety; and,

**WHEREAS**, UTC believes that sharing the 4.9 GHz spectrum is a good opportunity for utilities to deploy fixed point- to-point connectivity in a band that is lightly used in order to support their private utility networks that enhance operational efficiency, safety and reliability, and doing so would aide the Commission’s effort to utilize spectrum more efficiently; and,

**WHEREAS**, UTC also believes that the process of sharing the band with public safety and the potential for using up to 50 MHz of licensed spectrum will promote partnerships between utilities and public safety that will create synergies as well as more effective use of the band.

**NOW, THEREFORE, BE IT RESOLVED**, that the Utilities Technology Council, gathered at its Annual Telecom & Technology Meeting in Palm Springs, California, urges the FCC to adopt rules that allow for utilities and other CII to share in the 4.9 GHz band; and,

**BE IT FURTHER RESOLVED**, that the Commission should issue a rulemaking and keep the proposals simple to make spectrum availability for utilities in the band more effective.

*Adopted by the UTC Membership, May 10, 2018*



***UTC 2018 Resolution: Mobile Communications Operations in the 6 GHz Spectrum Band***

**WHEREAS,** in January 2017, three Federal Communications Commission (FCC) bureaus—the Interna-tional Bureau, the Wireless Technology Bureau, and the Office of Engineering and Technology—granted an application and waiver allowing a start-up satellite phone provider to operate a nationwide mobile network in the 5925-6425 band (collectively known as the “6 GHz” band) of radio spectrum; and,

**WHEREAS,** the Bureaus’ decision permits the company (Higher Ground, LLC) to operate nearly 50,000 C-Band mobile earth stations to support Internet of Things (IoT) applications controlled througha spectrum database that it will manage and operate; and,

**WHEREAS,** numerous utilities and other critical infrastructure providers house mission-critical communications networks and devices in the 6 GHz band; and,

**WHEREAS,** nearly every party commenting on the record in the FCC proceeding objected tothe application, stating that the company had not proved its technology will prevent interference with incumbent systems in the band. For utilities, interference in this band could disruptsituational awareness and possibly lead to line outages or power failure; and,

**WHEREAS,** the FCC Bureaus directed Higher Ground, once operational, to mitigate interference after it has occurred and, if such interference does occur, the Bureaus will hold the company harmless from any potential liability, leaving utilities and other incumbents who use the 6 GHz band with little recourse; and,

**WHEREAS,** in August 2017, the FCC initiated a Notice of Inquiry into whether it should expand the 6 GHz band to other users; and,

**WHEREAS,** utilities use the 6 GHz spectrum band for a variety of applications, such as supervisory control and data acquisition (SCADA) networks that monitor and control substations and valves as well as security and transfer-trip protection circuits that guard against external threats and isolate faults on the grid. These microwave systems also support voice applications, including utility nuclear emergency telecommunications systems; and,

**WHEREAS,** the 6 GHz band is already heavily used by utilities, railroads, pipelines and other critical infrastructure industries for essential services, and existing frequency coordination processes make safe and efficient use of the band; and,

**WHEREAS,** allowing additional untried, untested mobile devices in a band well-suited for stationary microwave antennas will undoubtedly cause confusion and interference in the 6 GHz band; and,

**WHEREAS,** utilities have migrated to the 6 GHz band after being forced out of lower bands due to FCC policies. These utilities have invested considerable ratepayer money into developing systems suitable to the 6 GHz band; and,

**WHEREAS,** other bands would serve the needs of startup companies and other commercial services better and more efficiently than the 6 GHz.

**NOW, THEREFORE, BE IT RESOLVED**, that the Utilities Technology Council (UTC), gathered at its Annual Telecom & Technology Meeting in Palm Springs, California, urges the Federal Communications Commission to rescind the application and waiver granted to Higher Ground, LLC, in January 2017 and discontinue its inquiry into expanding the 6 GHz band to mobile devices.

*Adopted by the UTC Membership, May 10, 2018*



# UTC 2018 Resolution: Encouraging Expanding Access

***to the 406-420 MHz Band by Energy and Water Service Providers***

**WHEREAS**, the radio portion of the electromagnetic spectrum is needed to enable wireless applications and communications for energy and water service providers, public safety, telecommunicationsservice providers, and much more; and,

**WHEREAS**, this radio spectrum is divided into “bands” measured by hertz that have different characteristics and properties suitable for various kinds of communications; and,

**WHEREAS**, energy and water service providers use spectrum to operate the mission-critical infrastructure that powers the U.S. and global economies, including Supervisory Control and Data Acquisition (SCADA), relaying, and grid modernization; and,

**WHEREAS**, the federal government has access to dedicated spectrum in the 406-420 MHz band, which has available capacity and provides long coverage areas to meet the government’s needs; and,

**WHEREAS**, the demand for spectrum is growing to accommodate expanded use of wireless devices; and,

**WHEREAS**, the Federal Communications Commission and National Telecommunications and Information Administration are responsible for allocating spectrum efficiently while the proceeds from such allocations are given to the U.S. Treasury; and,

**WHEREAS**, as recognized by nearly every federal, state and local government agency, energy and water providers are the most critical of all critical industries as they deliver lifesaving and life- sustaining services to all Americans; and,

**WHEREAS**, the FCC is exploring expanded access to several spectrum bands, including those in which energy and water service providers hold licenses that, in theory, protect them from interference and congestion; and,

**WHEREAS**, historically, the FCC has expanded access into bands heavily used by energy and water service providers, threatening the reliability of their services and forcing some to relocate into different bands entirely; and,

**WHEREAS**, the President’s Council of Advisors on Science and Technology (PCAST) identified the 406

-420 MHz band as a potential location that would be suitable for spectrum sharing by non- governmental operators. Subsequent government reports have indicated that the band is only being used 3-5% during the busiest times of day in the Washington, D.C., area, indicating that it is lightly used; and,

**WHEREAS**, energy and water service providers require access to interference and congestion-free spectrum, and the 406-420 MHz band contains many of the characteristics necessary to meet these entities’ needs; and,

**WHEREAS**, energy and Water service providers could use this band for data and field force management and voice communications. While each utility would have its unique requirements, utilities could use this band for promoting interoperability during mutual aid and emergency response.

**NOW, THEREFORE, BE IT RESOLVED**, that the Utilities Technology Council, gathered at its Annual Telecom & Technology Meeting in Palm Springs, California, urges the federal entities responsible for managing the 406-420 MHz band to expand use of the band to energy and water service providers, the most critical of all critical industries.

*Adopted by the UTC Membership, May 10, 2018*



**UTC 2018 Resolution: Providing Utilities Broadband Spectrum While Protecting Incumbents in the 900 MHz Spectrum Band**

**WHEREAS,** energy and water providers have invested significant resources to plan, design, build, and operate dedicated wireless communications networks on the radio portion of electromagnet- ic spectrum to support the day-to-day reliability of essential electricity, energy, and water services; and,

**WHEREAS**, radio-frequency spectrum is subdivided into various “bands” (measured in “hertz”) that have different properties; and,

**WHEREAS**, utilities operate many of their wireless private communications networks using licensed spectrum in bands, such as the 900 MHz band, so that their mission critical communications are protected against interference, and these energy and water utilities are therefore “incumbent” li- censees of spectrum. Interference with these mission critical communications could jeopardize hu- man safety, reliability, and security of utility operations; and,

**WHEREAS**, utilities are seeking broadband spectrum in bands below 1 GHz in addition to their exist- ing networks to underpin more flexible, interactive and efficient utility delivery systems. These needs are a direct result of both federal and state energy, water and homeland security policies as well as customer demands and advances in technology; and

**WHEREAS**, over the years, utilities have been forced to relocate out of bands by the Federal Com- munications Commission (FCC, the Commission) due to policies that have increased interference and congestion in existing spectrum bands and that have reallocated existing spectrum bands for commercial communications service providers, thereby making it more and more challenging for utilities to find spectrum that meets their needs for reliability and interference-free spectrum; and,

**WHEREAS**, the Federal Communications Commission issued a Notice of Inquiry (NOI) on August 4, 2017, which considers the realignment of the licensed 900 MHz radio spectrum band to support a Private-Enterprise Broadband Block (PEBB) of spectrum; and,

**WHEREAS**, the FCC’s NOI in the 900 MHz band was prompted by a proposal by pdvWireless and the Enterprise Wireless Alliance (EWA) for realigning the band to create a contiguous 3X3 MHz block of spectrum for broadband operations – the PEBB – which would support a broadband “Long-Term Evolution (LTE) network, a standard for highspeed wireless communications; and,

**WHEREAS**, this realignment of the 900 MHz band could potentially provide utilities and other critical infrastructure industries with access to broadband spectrum and priority access for utility communi- cations during emergencies; and,

**WHEREAS**, under the proposal, incumbent private utility systems that operate on channels in those frequency ranges would have the option to participate in the PEBB or relocate their narrowband operations down into a compressed 2X2 MHz of spectrum, resulting in a reduction from 199 chan- nels to 148; and,

**WHEREAS**, under the proposal by pdvWireless and EWA, any costs associated with relocating in-

cumbents deciding to move to comparable facilities would be paid for by the PEBB licensee. Addi- tionally, under the proposal by pdvWireless and EWA, if a utility decided to participate in the PEBB, it would be provided priority access to available capacity during emergencies and the PEBB network would be constructed to meet the specifications of the utility; and,

**WHEREAS**, while the proposal by pdvWireless and EWA could benefit some utilities and provide them the opportunity to access broadband spectrum that would provide the additional capacity and coverage to meet existing and future communications needs, utility incumbent licensees in the 900 MHz band have raised strong concerns that they could suffer disruption, additional cost, and harm- ful interference by being forced to relocate and retune all of their equipment from their current channels; and,

**WHEREAS**, this resolution should not be considered an endorsement of or in opposition to the May 1, 2018 proposal filed by pdvWireless and EWA.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the Utilities Technology Council (UTC) is supportive of ef- forts to promote utility access to broadband spectrum below 1 GHz to meet utilities’ increasing com- munications needs; and,

**LET IT BE FURTHER RESOLVED**, that the FCC, as it proceeds on the Notice of Inquiry must consider technological, financial and regulatory solutions to protect incumbent utility narrowband communi- cations systems while also allowing for development of broadband systems. Items to be considered include, but are not limited to: conducting field test to demonstrate interference between the wide band and narrow band systems, identifying interference levels and impacts to incumbent systems coverage, and establishment of guard bands to mitigate interference issues; and

**LET IT BE FURTHER RESOLVED**, that those utilities that do not have any incumbent licenses in the 900 MHz band because of where their service territory is situated geographically should be able to pur- sue the broadband solutions envisioned in this proceeding; and,

**LET IT BE FURTHER RESOLVED**, that the FCC must ensure full understanding that the mission-critical communications infrastructure currently deployed by the incumbents are required for the long term. Like public safety entities, the utility industry requires these systems to be highly reliable and are used in addition to any commercial or private broadband systems; and,

**LET IT BE FURTHER RESOLVED**, given this situation, the FCC should ensure that the PEBB licensees could only convert or sell their 900 MHz license(s) to other Business/Industrial/Land Transportation license- eligible entities that would hold their licenses(s) as a PEBB licensee consistent with requirements es- tablished by the FCC for such licenses; and

**LET IT BE FURTHER RESOLVED**, given that incumbent narrowband systems serve utilities and their cus- tomers’ long-term needs, and that those systems provide mission critical communications, the FCC must ensure that any re-banding or rule change impacting 900 MHz licensees will provide compara- ble facilities to continue to meet the incumbents’ narrowband needs. Any new 900 MHz band plan should ensure that there is minimal disruption to the operations of all affected incumbents, that the associated reconfiguration costs are fully funded, and the incumbent 900 MHz licensees are provid- ed with “comparable facilities” on other frequencies in the 900 MHz band. Providing comparable facilities requires that the incumbent must be relocated to facilities that provide equivalent spec- trum, the same geographic coverage, the same quality of service, and must be compensated to maintain equivalent operating costs for the timeframe the incumbent uses the spectrum. In terms of quality of service, the incumbent must have the same voice quality as currently available and high levels of interference protection to assure continuity of critical services. It is recommended that the

FCC adopt 900 MHz interference rules consistent with the standards for interference protection in the 800 MHz rules, and that the PEBB or any parties under the operations of their license shall agree to follow the 3GPP good neighbor cellular LTE practices in the operation of their LTE services so as not to interrupt these critical infrastructure services being provided for the protection of the public well-being.

*Adopted by the UTC Board of Directors, July24, 2018*



***UTC 2018 Resolution: Supporting Public Power Broadband Deployment***

**WHEREAS**, utilities enable broadband deployment in multiple ways, most notably by permitting communications-service providers to use their infrastructure to bring their services to consumers across the country; and,

**WHEREAS**, more frequently, publicly and consumer-owned utilities are bridging the digital divide in areas unserved and underserved by private telecommunications firms by providing broadband ser- vice; and,

**WHEREAS**, economists, policymakers, and federal, state, and local government officials all consider broadband to be the key driver of economic development in towns and cities throughout the U.S.; and,

**WHEREAS**, private telecommunications service providers have determined that it is not economical to expand their broadband services to these unserved and underserved areas, even though in many cases utilities and municipalities have offered below-rate access to their infrastructure to do so; and,

**WHEREAS**, many unserved and underserved municipalities have set up their own broadband enti- ties, in many cases partnering with their publicly owned energy service provider to bring affordable and reliable broadband to their residents; and,

**WHEREAS**, rather than compete against these publicly initiated broadband entities, the large tele- communications and cable companies have instead sponsored legislation in 20 states to prohibit municipalities from either getting into the broadband business in the first place or expanding their services beyond their city limits; and,

**WHEREAS**, these state laws unnecessarily restrict broadband deployment as private Internet Service Providers (ISPs) continue to show little interest in bridging the digital divide, as evidenced by a re- cent voter-approved measure in Fort Collins, Colorado, permitting the city to build a broadband network if economical; and,

**WHEREAS**, since 2015, Members of Congress have introduced the Community Broadband Act, which would disallow states from prohibiting municipalities, either through their public-power utility or other means, from providing broadband services to their citizens.

**NOW, THEREFORE, BE IT RESOLVED**, that the Utilities Technology Council (UTC), gathered at its Annual

Telecom & Technology Meeting in Palm Springs, California, recognizes the important role utilities play in bridging the digital divide in unserved and underserved areas; and,

**BE IT FURTHER RESOLVED**, that states and other government entities should remove any roadblocks preventing public power utilities from providing broadband services to their consumers, as prohibit- ing their entry into the broadband market could potentially harm their citizens and could potentially reward the private ISPs who chose not to invest in unserved and underserved areas; and,

**BE IT FURTHER RESOLVED**, that UTC supports congressional legislation aimed at achieving these goals; and,

**BE IT FURTHER RESOLVED**, that UTC supports utility participation in any rural broadband deployment initiatives at the federal or state level in legislative proceedings.

*Adopted by the UTC Membership, May 10, 2018*



***UTC 2018 Resolution: Encouraging the Federal Communications Commission to Recognize the Criticality of Energy and Water Utilities in Spectrum Policies***

**WHEREAS,** energy and water utilities provide the world with essential, life-saving services that power the global economy and our lives in general; and,

**WHEREAS,** the Department of Homeland Security lists energy, water, and nuclear power utilities as among the most critical of all industries ([https://www.dhs.gov/critical-infrastructure-sectors)](https://www.dhs.gov/critical-infrastructure-sectors) and nearly every level of government—federal, state, local—considers electricity and water as the “most critical” of these infrastructure industries. This acknowledgement is further acknowledged by the “regulatory compact,” which requires these entities to exceed stringent regulations and rates to remain operational; and,

**WHEREAS,** energy and water utilities own and operate infrastructure—power lines, power plants, and pipelines—which deliver these services throughout the world; and,

**WHEREAS,** overlaying this infrastructure is a system of telecommunication Information and Communications Technology (ICT) networks. These networks consist of wireless and wireline technologies which allow utility workers and industrial control systems to communicate, providing day-to-day reliability of our nation’s energy and water infrastructure; and,

**WHEREAS,** energy and water providers use these networks to: restore service after storms, add digital and “smart” technology services for their customers, modernize their infrastructure, allow for intermittent generation resources to be added to the grid, and much more; and,

**WHEREAS,** the wireless components of these ICT networks rely on radio spectrum to communicate; and,

**WHEREAS,** radio spectrum is a limited resource allocated by the Federal Communications Commission (FCC) and the National Telecommunications and Information Administration (NTIA); and,

**WHEREAS,** the already strong demand for radio spectrum is getting stronger due to the tremendous growth of smart phones and other wireless devices, including tablets, laptops, unmanned aerial vehicles (drones), autonomous cars, and much more; and,

**WHEREAS,** historically, the FCC has not recognized the criticality of utility ICT networks in the agency’s spectrum policies, forcing rate-regulated energy and water providers to compete against all commercial entities in spectrum auctions; and,

**WHEREAS,** because energy and water providers’ own costs are tightly regulated by state and/or multiple government agencies, they are often not able to compete against well-funded private firms, startups, and other commercial enterprises for spectrum; and,

**WHEREAS,** energy and water providers have nonetheless fought to purchase licensed spectrum in various bands to operate their mission-critical ICT networks. Licenses are aimed at protecting these

networks from interference from other users in the same bands; and,

**WHEREAS,** the FCC has expanded access to non-critical infrastructure industries in many of these bands where utilities hold licenses, forcing many energy and water providers to move to other bands or compete against well-financed commercial entities for additional spectrum; and,

**WHEREAS,** as more users enter into spectrum bands, the threat of interference to mission-critical utility systems increases. Interference to these mission-critical systems could impact the safe, secure, and reliable delivery of energy and water services, as well as inhibit the development of ongoing grid modernization; and,

**WHEREAS,** energy and water providers’ needs for spectrum will only increase as these entities modernize their infrastructure.

**NOW, THEREFORE, BE IT RESOLVED,** that the Utilities Technology Council (UTC), gathered at its Annual Telecom & Technology Meeting in Palm Springs, California, urges the Federal Communications Commission to recognize and acknowledge the essential services provided by energy and water providers in its spectrum policies; and,

**BE IT FURTHER RESOLVED**, that UTC urges the Federal Communications Commission to ensure its spectrum policies protect incumbent critical infrastructure providers, such as energy and water utilities, from interference to their wireless communications systems that threatens the reliable delivery of the essential services these entities provide.

*Adopted by the UTC Membership, May 10, 2018*



***UTC 2018 Resolution: Calling on the Federal Communications Commission and Federal Energy Regulatory Commission to Hold Regular Meetings***

**WHEREAS,** the energy and water industries rely on telecommunications networks to reliably and safely deliver essential electricity, natural gas, and water services; and,

**WHEREAS,** these telecommunications networks are often developed, owned, and operated by energy and water providers and provide a much higher level of reliable service than those operated by commercial telecommunications service providers; and,

**WHEREAS,** nearly every federal, state, and local government considers the energy and water industries to be the most critical of all critical infrastructure industries; and,

**WHEREAS,** energy, water, and telecommunications service providers are usually regulated by the same government agency at the state level, but at the federal level, energy and telecommunications providers are regulated by separate agencies—the Federal Energy Regulatory Commission (FERC) and the Federal Communications Commission (FCC); and,

**WHEREAS,** the FERC is the federal regulator responsible for assuring safe and reliable delivery of electricity services on the bulk electricity system (BES); most UTC members are regulated by FERC at some level; and,

**WHEREAS**, UTC members regulated by FERC must adhere to stringent reliability rules and regulations for delivering electricity and natural gas to their consumer; and,

**WHEREAS,** the FCC is responsible for, among other things, efficiently allocating radio spectrum amongst numerous parties, including first responders, emergency services, and competing commercial services; and,

**WHEREAS**, electric utilities regulated by FERC require radio spectrum to safely and reliably deliver electricity over the BES; and,

**WHEREAS,** spectrum policies at the FCC do not currently consider the criticality of these utility services when auctioning and allocating spectrum; and,

**WHEREAS,** FERC holds formal meetings with other government agencies on a regular basis, including the Nuclear Regulatory Commission; and,

**WHEREAS,** both the FERC and FCC participate in multi-agency initiatives on emergency response and other issues; and,

**WHEREAS,** formal meetings between the FERC and FCC will promote a dialogue on reliability, spectrum, and grid modernization.

**NOW, THEREFORE, BE IT RESOLVED**, that the Utilities Technology Council (UTC), convened at its 2018 Telecom & Technology Annual Conference in Palm Springs, California, asks that the Federal Communications Commission and the Federal Energy Regulatory Commission establish a formal and recurring meeting to discuss the convergence between the energy and telecommunications industries.

*Adopted by the UTC Membership, May 10, 2018*



***UTC 2018 Resolution: Pole Attachments***

**WHEREAS,** the most common visual elements of the utility industry are the transmission towers and utility poles carrying electricity to most every home and business in the U.S.; and,

**WHEREAS,** these towers and poles are essential for the day-to-day reliability of the electricity grid, grid modernization, storm restoration, and grid resilience, which in turn is essential for the lifesaving and life-sustaining services electricity provides to every American, no matter where you live; and,

**WHEREAS,** in addition to delivering electricity all over the country, these towers and poles are often used for transporting other important products and services offered by third parties, such as voice, data, and cable services; and,

**WHEREAS,** the process by which a third party can attach their device and service to a utility pole is referred to as “pole attachments,” and utilities and other pole owners are allowed to charge fees for providing these services in order to defray the costs of maintaining the pole and doing the necessary engineering assessments that must occur when additional weight is added; and,

**WHEREAS**, without FCC regulation, macro cells have successfully been deployed on transmission poles all over the country

**WHEREAS,** the fees charged for distribution pole access by investor-owned utilities (IOUs) and other pole owners are regulated either by the U.S. Federal Communications Commission (FCC or the Commission), a state public utility commission, depending on whether the state has decided to assert jurisdiction, or a local government. In the majority of cases, states have declined to assert jurisdiction and therefore rates and requirements are determined by the FCC; and,

**WHEREAS**, in the 1996 Telecom Act Congress intended for all pole attachments fees to migrate to the telecom rate which better reflects the cost incurred by a pole owner for pole attachments but instead the FCC has altered this rate to the lower cable rate; and,

**WHEREAS,** given their unique pole infrastructure and its accessibility to third-parties, electric utilities are key facilitators of broadband, voice, data, and cable services in all parts of the country served by private telecommunications providers; and,

**WHEREAS,** as a means to encourage broadband deployment to unserved and underserved areas of the U.S., the FCC has expanded pole access requirements and reduced the rates that FCC- regulated pole owners can charge third parties—mostly private telecommunications providers—to attach their devices to utility poles, claiming that telecommunications firms would invest the savings from pole-attachment rates into expanding their networks into unserved and underserved areas; and,

**WHEREAS,** in addition to denying pole owners from recovering the costs of pole-attachments, the FCC has also mandated strict timelines and other requirements for pole owners to process pole- attachment applications and attach devices to their infrastructure; and,

**WHEREAS,** the FCC’s own records demonstrate that despite this favorable regulatory climate for the

telecommunications providers, a “digital divide” remains in many, mostly rural, parts of the U.S., as many private firms find it uneconomic to invest in these locations; and,

**WHEREAS,** because utilities understand the importance of broadband to their service areas, some have offered to waive pole-attachment fees to attract private broadband providers to their service territories and beyond. In at least one instance, no firms took advantage of this offer; and,

**WHEREAS,** in areas where private telecommunications providers are not providing broadband services, many utilities in rural areas themselves are bringing broadband to their service areas and beyond; and,

**WHEREAS**, in areas served by IOUs, typically urban areas, the deployment of broadband has occurred under the current rate structure and FCC rules; and,

**WHEREAS,** the wireless industry plans on deploying 5G cellular services, which will result in a proliferation of wireless devices being attached to utility poles; and,

**WHEREAS**, wireless attachments bring about considerably different demands on the pole infrastructure such as devices at the top of the pole and ancillary equipment at the bottom of the pole; and,

**WHEREAS,** members of Congress, the FCC, and the telecommunications industry are pursuing even tighter restrictions and rates for these attachments, not recognizing that the first and foremost use of a utility pole is the delivery of lifesaving and life sustaining electricity to all customers in America.

**NOW, THEREFORE, BE IT RESOLVED,** that the Utilities Technology Council (UTC), gathered at its Annual Telecom & Technology Meeting in Palm Springs, California, urges policymakers to recognize and consider the criticality of utility poles to the reliability of our nation’s electricity system and, by extension, our digital lifestyles, which the grid powers, in setting pole-attachment policies; and,

**BE IT FURTHER RESOLVED,** that UTC urges policymakers to pursue policies that do not: 1) artificially reduce pole-attachment rates; 2) suppress the market for such attachments; and 3) result in electricity ratepayers subsidizing the well-financed telecommunications industry.

*Adopted by the UTC Membership, May 10, 2018*



***UTC 2018 Resolution: Right to Repair***

**WHEREAS,** utilities own, maintain and operate extensive communications systems (“private networks”) that they use to support the safe, reliable and secure delivery of essential electric, gas and water

services and to provide wholesale capacity to other third-party communications service providers and retail services to consumers; and,

**WHEREAS,** utilities must maintain these communications systems to meet and exceed high standards for reliability and security, due to the criticality of the underlying energy and water services they provide and to comply with national regulations related to security; and,

**WHEREAS,** section 101.211, Section 101.217 and Section 90.215 of the Federal Communications Commission’s (FCC) rules require that wireless communications licensees test and certify that their communications systems are operating in compliance with the FCC’s technical rules and specify when transmitter measurements, observations, servicing and maintenance are required; and,

**WHEREAS**, utilities perform these tests by conducting measurements and adjusting equipment in the field so that the measurements and any necessary adjustments made to the equipment are done so accurately; and,

**WHEREAS,** restrictions by some equipment manufacturers and suppliers may prevent utilities from doing testing and/or adjusting their own equipment (purchased from such manufacturers/suppliers) or using third parties to test and adjust their equipment; and,

**WHEREAS**, this situation instead necessitates that utilities must exclusively rely on the manufacturer, supplier or their designated representative to undertake the testing and adjustment of equipment purchased by utilities; and,

**WHEREAS**, measurements are required in the field after installation and at other times. Additionally, transmitter adjustments are necessary when measurements indicate a parameter is out of its required tolerance. Unfortunately, utilities are being prevented from making adjustments in the field because either the manufacturer or their representative must come on-site, or the utility must send the radio to the manufacturer, which increases downtime, increases the number of spares that are kept on hand, increases the number of trips to the site, and takes technicians away from other emergencies; and,

**WHEREAS,** these restrictions have the practical effect of increasing costs, imposing unnecessary delays, and interfering with utilities’ maintenance of their communications systems, as well as hindering utilities’ ability to comply with the FCC’s rules, which is an untenable situation; and,

**WHEREAS,** legislation has been introduced in several states that would create a right for consumers such as utilities to repair equipment they have purchased themselves or use their own third-party provider, rather than having to use the manufacturer, supplier or their authorized representative;

**NOW THEREFORE, LET IT BE RESOLVED,** that the Utilities Technology Council (UTC), gathered at its Annual Tele-com & Technology Meeting in Palm Springs, California, urges state and federal policymakers to establish policies that free utilities to maintain, repair and upgrade equipment themselves or to use a third party of their choosing to maintain, repair and upgrade their equipment in order to improve reliability and ensure compliance with federal regulations.

*Adopted by the UTC Membership, May 10, 2018*