

network requirements (including AT&T), actively consider pole-mounted alternatives in the public rights-of-way to traditional antenna installations. In addition, when a need for an additional antenna arises, AT&T considers all options in determining how best to meet the need.

25. By substantially increasing the cost and time required to gain access to the public rights-of-way in the State of Connecticut, the wireless CPCN requirement has, as a practical matter, effectively eliminated pole-mounted technologies such as micro-cells and DAS antennas from consideration by AT&T both when planning future network development and when considering how to address an emergent need for additional wireless coverage or capacity.

COUNT ONE
(Violation of 47 U.S.C. § 332(c)(3))

26. All preceding paragraphs are hereby incorporated into this Count as if set forth at length.

27. Federal law preempts state and local laws that “regulate the entry of or the rates charged by any [wireless] service.” 47 U.S.C. § 332(c)(3)(A). The FCC therefore has exclusive authority over the regulation of the conditions under which wireless service providers may enter and provide service in a market. The FCC exercises this authority by, *inter alia*, issuing licenses authorizing CMRS providers to provide service in designated geographic areas. 47 U.S.C. §§ 301, 303, 307-309; *see* 47 C.F.R. § 22.1 *et seq.*

28. AT&T’s FCC licenses authorize it to provide wireless services that utilize the public rights-of-way, including pole-mounted facilities like micro-cells and DAS antennas, in the State of Connecticut. As a matter of federal law, those licenses establish, *inter alia*: (a) that AT&T is qualified to provide wireless services; (b) that AT&T’s provision of wireless service within the State of Connecticut serves the public interest, convenience and necessity; (c) that AT&T has disclosed all information required for the issuance of such licenses; and (d) that

AT&T's proposed operations comply with all applicable rules governing the operation of wireless service facilities. *See* 47 U.S.C. § 307; 47 C.F.R. § 22.107.

29. The DPUC's CPCN requirement unlawfully regulates the entry of wireless services. The Defendants' order categorically bars CMRS providers from providing wireless services via pole-mounted facilities (such as micro-cells and DAS systems) or otherwise using the public rights-of-way, throughout the State of Connecticut, without first obtaining a CPCN. This prohibition goes far beyond whatever lawful authority the DPUC may have to regulate access to the public rights-of-way, and constitutes unlawful entry regulation. The express purpose of the CPCN requirement is to determine whether: (a) a carrier possesses the managerial, technical, and financial qualifications deemed necessary by the DPUC to provide an intrastate telecommunications service; and (b) whether the applicant's provision of the service will serve the public interest, convenience and necessity (as defined by the DPUC).

30. AT&T is entitled to a declaration, pursuant to 28 U.S.C. § 2201, that the wireless CPCN requirement violates and is preempted by Section 332 of the Communications Act, 47 U.S.C. § 332.

31. AT&T is further entitled to permanent injunctive relief, pursuant to 28 U.S.C. § 2202, prohibiting Defendants and any officer or employee of the State of Connecticut from enforcing or attempting to enforce the wireless CPCN requirement against AT&T.

PRAYER FOR RELIEF

WHEREFORE, AT&T prays for the following relief:

1. A declaration, pursuant to 28 U.S.C. § 2201, that the provisions of the DPUC's Final Decision requiring wireless providers to obtain a certificate of public convenience and

necessity before installing facilities in the public rights-of-way violate and are preempted by Section 332 of the Communications Act, 47 U.S.C. § 332;

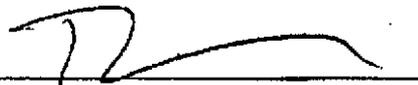
2. A permanent injunction, pursuant to 28 U.S.C. § 2202, prohibiting Defendants and any officer or employee of the State of Connecticut from enforcing or attempting to enforce the provision of the DPUC's Final Decision requiring wireless providers to obtain a certificate of public convenience and necessity before installing facilities in the public rights-of-way; and

3. Such other and further relief as the Court may deem just and proper.

Dated: November 12, 2010

Respectfully submitted,

**NEW CINGULAR WIRELESS PCS, LLC
D/B/A AT&T MOBILITY**



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EXHIBIT 3
(DPUC Final Decision)



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL
TEN FRANKLIN SQUARE NEW BRITAIN, CT 06051

DOCKET NO. 08-06-19 DPUC INVESTIGATION INTO THE DEPLOYMENT OF
DISTRIBUTED ANTENNA SYSTEM (DAS) IN THE PUBLIC
RIGHTS OF WAY IN CONNECTICUT

September 29, 2010

By the following Commissioners:

Anthony J. Palermino
Amalia Vazquez Bzdyra
Kevin M. DelGobbo

DECISION

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DECISION

I. INTRODUCTION

A. SUMMARY

In this Decision, the Department of Public Utility Control (Department) concludes that wireless communications providers are not permitted to attach antennas and equipment on the top of utility poles or in the electric gain of utility poles with primary electric wires. The Department finds that antenna attachments on utility poles bearing non-primary electric distribution service could be installed with agreement of the distribution pole owners or custodians. The parties will be required to convene collaborative sessions to address such attachments, in addition to rates, terms and conditions, and a standard construction design that will provide for safe installations and maintenance of facilities.

B. BACKGROUND OF THE PROCEEDING

On June 12, 2008, the Department initiated this docket, pursuant to Sections 16-11, 16-234 and 16-235 of the General Statutes of Connecticut (Conn. Gen. Stat.), to conduct a policymaking proceeding to establish a regulatory framework that addresses the possible deployment of distributed antenna system (DAS) facilities in the Connecticut public rights of way. In addition, the purpose of this docket was to review the technical feasibility and safety issues of, in addition to DAS, other wireless equipment attachments in the public rights of way that support the provision of wireless services.

C. CONDUCT OF THE PROCEEDING

By Notice of Hearing dated April 4, 2009, the Department announced that a public hearing would be held on April 30, 2009, at its offices, Ten Franklin Square, New Britain, Connecticut. The hearing was held and continued to May 28, 2009. By Notice of Cancellation of Late Filed Exhibit Hearing and Close of Hearing dated May 27, 2009, that hearing was canceled and the Department closed the hearing.

By Notice of Technical Meeting dated July 21, 2009, the Department conducted a technical meeting on July 29, 2009. At the conclusion of that meeting, the Department suspended the procedural schedule and initiated an alternative dispute resolution (ADR) process. The Department assigned staff members, pursuant to Conn. Gen. Stat. § 16-19j, to a team (Mediation Team). The Mediation Team was assigned to monitor the activities of the parties regarding the progress of reaching a collaborative agreement of the outstanding issues.¹ The ADR session began in July 2009 and ended in September 2009.

¹ By letter dated September 4, 2009, the Mediation Team reported to the Department that after lengthy discussion among the parties, it determined that a settlement could not be reached. Moreover, the Mediation Team indicated that further meeting among the parties would likely be unproductive.

By Notice of Technical Meeting dated September 9, 2009, the Department conducted an additional technical meeting on September 16, 2009.

The Department issued a draft Decision in this proceeding on August 16, 2010. All participants were provided an opportunity to file written exceptions to and present oral arguments concerning the draft Decision.

D. PARTIES AND INTERVENORS

The Department recognized the following as parties to this proceeding: CTIA - The Wireless Association, 1400 16th Street, NW, Suite 600, Washington, DC 20036; ExteNet's System, 3030 Warrenville Road, Suite 340 Lisle, IL 60532; Light Tower Wireless, 80 Central Street, Boxborough, MA 01719, L.L.C; Next-G Networks of NY, 1919 Pennsylvania Ave NW, Suite 200, Washington, DC 20006; PCIA-The Wireless Infrastructure Association - The DAS Forum, 901 N. Washington St., Suite 600, Alexandria, VA 22314; Sprint Spectrum, L.P, 2001 Edmund Haley Drive, Reston, VA 20191; T-Mobile Northeast LLC, 625 Central Avenue, Westfield, NJ 07090; New Cingular Wireless PCS, d/b/a AT&T Mobility and The Southern New England Telephone Company d/b/a AT&T Connecticut, 310 Orange Street, 8th Floor, New Haven, CT 06510; The Connecticut Light and Power Company, P.O. Box 270, Hartford, CT 06141; The United Illuminating Company, 157 Church Street, P.O. Box 1564, New Haven, CT 06506; Verizon New York, 140 West Street, 27th Floor, New York, NY 0007; and the Office of Consumer Counsel, 10 Franklin Square, New Britain, CT 06051. The Department also recognized the Connecticut Siting Council as an intervenor.

II. POSITIONS OF PARTIES

A. SPRINT SPECTRUM L.P., T-MOBILE NORTHEAST LLC, CTIA-THE WIRELESS ASSOCIATION AND PCIA-THE WIRELESS INFRASTRUCTURE ASSOCIATION - THE DAS FORUM (COLLECTIVELY, THE JOINT WIRELESS PROVIDERS (JWP))

The JWP requests that the Department permit all wireless providers non-discriminatory access to attach equipment to utility distribution poles, including pole tops, in the public rights of way. The JWP also urges the Department to adopt the following recommendations:

1. Establish that the attachment of wireless equipment to distribution poles, including pole-top attachments, by Commercial Mobile Radio Service (CMRS) providers and companies with Certificates of Public Convenience and Necessity (CPCN), in conformity with governing regulations and applicable construction standards, (i.e., National Electric Safety Code (NESC)) are safe.
2. Require utility pole owners to establish wireless pole attachment agreements and make them publicly available within 90 days of the Final Decision in this matter. The agreements should include regulated telecommunications rates, non-discriminatory terms and conditions that reflect the requirements set forth in the April 30, 2008 Decision in Docket No. 07-02-13 DPUC Review of the State's Public Service Company Utility Pole Make-ready Procedures – Phase I.

3. Provide utility pole owners and attachers with access to mediation procedures when a utility pole owner unreasonably denies a wireless provider's request for pole attachment access outside of the parameters defined in the pole attachment agreement.
4. Declare that for utility pole attachment purposes, including utility pole-top access, CMRS providers are not required to obtain a CPCN under Conn. Gen. Stat. § 16-247h.

The JWP maintains that these recommendations, if adopted, would enable them to increase wireless and broadband coverage throughout the State and support national and statewide efforts currently underway to facilitate more ubiquitous broadband coverage.²

B. NEW CINGULAR WIRELESS PCS, D/B/A AT&T MOBILITY AND THE SOUTHERN NEW ENGLAND TELEPHONE COMPANY D/B/A AT&T CONNECTICUT (COLLECTIVELY, AT&T)

AT&T maintains that the deployment of DAS and wireless equipment is in the public interest because it will enable the expansion of wireless networks in Connecticut and provide consumers with better services and more competitive choices. AT&T suggests that the Department keep regulation to a minimum and allow third party attachers and utility pole owners to negotiate and enter into commercial agreements for the placement of wireless equipment. Lastly, AT&T asserts that the safe installation and maintenance of all wireless equipment attachments on utility poles can be accomplished by compliance with applicable codes, guidelines, and attachment agreements.³

C. THE CONNECTICUT LIGHT AND POWER COMPANY (CL&P)

CL&P opposes the JWP request to place wireless antennas on the top of utility poles over primary electric wires. CL&P argues that the installation of wireless antennas equipment near or over primary electric wires⁴ would create an unreasonable risk to electric system reliability since the equipment could come into contact with energized primary conductors, causing outages and compromise the safety of the electric workers.⁵ CL&P also asserts that the attachment of antenna equipment above primary wires would impose constraints on personnel working in close proximity to those facilities and would require workers to take additional steps to work safely in the vicinity of a source of radio frequency (RF) emissions from wireless antennas.⁶

As an alternative, CL&P proposes a number of options for the placement of the antenna equipment, including the attachment of transmission towers to the top of utility

² JWP Brief, p. 2.

³ AT&T Brief, p. 1.

⁴ Primary electrical facilities typically operate at high voltages, typically in between 13.8 and 23 thousand volts (kV). Secondary electrical facilities operate at 120 or 240 volts. Tr. 04/30/09, pp. 33 and 34.

⁵ CL&P Brief, pp. 9 and 10.

⁶ *Id.*, p. 11.

poles with only secondary electric wires or communications lines, stub poles and dedicated service poles. In addition, CL&P suggests that the antenna equipment be attached in and/or below the communications gain, at the end of streetlight brackets or on cable wires between two utility poles.⁷

D. THE UNITED ILLUMINATING COMPANY (UI)

UI asserts that the policy issues sought by the JWP parallel those offered as part of a national agenda and are not ripe for consideration by the Department.⁸ UI opposes the placement of wireless antenna over primary electric wires because it would create unacceptable risk to electric system reliability and utility workers.⁹ UI also supports CL&P's compromise proposal that would allow the placement of wireless antenna equipment in those locations other than over the primary electric wires.¹⁰

E. VERIZON OF NEW YORK, INC. (VERIZON)

Verizon asserts that a wireless pole attachment policy must address a number of operational issues due to safety and network reliability. Specifically, operational requirements must ensure that: 1) proper clearance is maintained between RF emitting antennas and workers at the pole and existing pole attachments; 2) adequate working space and climbing space is maintained; 3) utilities can contact wireless service providers if utility or other licensee or attachee need to have wireless attachments deactivated in conjunction with service restoration work or other pole work; and 4) a loading analysis is conducted to determine if an existing pole can accommodate the additional load on the pole resulting from the wireless attachment.¹¹

Verizon indicates that it has developed for use in New York, a template agreement and associated guidelines to provide policies and time frames specifically for wireless attachments. Verizon proposes a similar template be used for the wireless attachments in Connecticut.¹²

F. OFFICE OF CONSUMER COUNSEL (OCC)

The OCC maintains that the JWP has failed to respond to repeated demands for specific information and data of their expected commercial plan for the areas where they will need new coverage and the types of equipment they would like to install.¹³ According to the OCC, the utility pole owners have presented a comprehensive alternative while the JWP has merely provided legal arguments to support DAS deployment.¹⁴

⁷ *Id.*, pp. 13 and 14.

⁸ UI Brief, p. 1.

⁹ *Id.*, p. 7.

¹⁰ *Id.*, p. 10.

¹¹ Verizon Brief, pp. 2-4.

¹² *Id.*, pp. 4 and 5.

¹³ OCC Brief, pp. 4 and 5.

¹⁴ *Id.*, p. 5.

The OCC suggests that all parties further investigate the safety and procedural ramifications of deployment of the wireless technology in Connecticut. The OCC also suggests that the Department require the JWP to address the basic infrastructure deployment issues raised by the parties in order to resolve the outstanding safety and reliability questions.¹⁵

III. DEPARTMENT ANALYSIS

A. CPCN REQUIREMENTS

The JWP argues that for purposes of attachment to utility poles, CMRS providers are not required to obtain a CPCN pursuant to the federal law, Section 47 USC § 224 et seq. and state law Conn. Gen. Stat. § 16-247h.¹⁶ The JWP asserts that in the June 18, 1998 Decision in Docket No. 96-08-11 Petition of Dispatch Communications of New England, Inc. et al. for a Declaratory Ruling, the Department had made a ruling that "CMRS providers...are not subject to Department regulations concerning certification requirements."

The Department disagrees. In the June 18, 1998 Decision in Docket No. 96-08-11, the Department indicated that CMRS providers were not required to obtain a CPCN to provide telecommunications services in the state and were not subject to Department regulation relating to certification requirements, market entry and rates. While that Decision stated that the Department does not regulate the provision of CMRS' telecommunications services, it did not exempt CMRS providers or any other carriers from applying for and receiving a CPCN before being permitted to construct their facilities in the public rights of way.

Regarding 47 U.S.C. §224, the Department regulates the rates, terms, conditions and access to distribution poles and conduit of public rights-of-way for utility pole attachments. In accordance with the provisions of the Federal Communications Commission's (FCC) Rules 1.1414 (b), the states may certify to the FCC that they self-regulate matters relating to pole attachments. Connecticut is one of the states that regulates such matters.

Regarding state law, Conn. Gen. Stat. § 16-247h requires that any person, firm or corporation be certified pursuant to Conn. Gen. Stat. § 16-247g before installing facilities in the public rights of way. Permitting telecommunications providers to forego the CPCN process in order to access the public rights of way directly contravenes the Department's regulatory oversight responsibility. Absence of that oversight would contravene the intent of the legislature. In order to carry out the Department's statutory obligations to promote the development of effective competition and protect the public interest, the Department requires all carriers, including CMRS providers, to comply with all state statutory and regulatory requirements (i.e., obtaining a CPCN and seeking construction plan approval) before installing the facilities in the public rights of way. The JWP requests that the Department issue a policy statement acknowledging their rights

¹⁵ *Id.*, p. 21

¹⁶ JWP Brief, p. 2.

for non-discriminatory access to utility poles.¹⁷ In the November 1, 1994 Decision in Docket No. 94-07-01 The Vision for Connecticut Telecommunications Infrastructure, the Department established basic principles that ensure service providers have non-discriminatory access to the Connecticut telecommunications infrastructure in order to provide telecommunications services.¹⁸ Accordingly, upon obtaining the necessary state certification, all certificated telecommunications service providers have non-discriminatory and rights to timely access to the state public rights of way for purposes of facility construction.

B. WIRELESS EQUIPMENT IN THE PUBLIC RIGHTS OF WAY

The safety of the public and the utility pole workers is important and it is incumbent upon the Department to address safety issues with the utmost seriousness. Any certificated company, its employees and outside contractors that perform work in the public rights of way must be trained, qualified and competent. The Department enforces the NESC standards, as a minimum guide to good practice in all cases including those not governed by specific Department Decisions. The Department also has the ability to issue specific orders that supplement the NESC provisions.

Typically, DAS networks are comprised of antennas, radio amplifiers, battery backup units, etc. to utility poles. The DAS network is connected via fiber optic cable to a wireless service provider's larger, nationwide mobile network. Wireless service providers are able to offer expanded or improved voice and data coverage for their customers by leasing the use of DAS networks.¹⁹ Additionally, CMRS providers use wireless attachments consisting of three components: an antenna system, a pole-mounted equipment box and cabling between antenna and equipment box for back haul and power. Antennas are generally two types: omni-directional antennas attached to pole tops and panel antennas attached to the side of the pole. Antenna types and specifications differ among DAS and wireless providers.²⁰ The various equipment types will evolve as technology further develops.²¹

1. Pole Top Attachment Above Primary Electric Wires

The most contentious issue throughout this proceeding has been whether the attachment of wireless equipment on the top of utility poles over the primary electric wires is feasible and safe. CL&P and UI claim that the pole top antenna attachments raise a number of concerns involving the safety of workers and the reliability of the electric distribution system. CL&P contends that when a pole top antenna is damaged or parts of the antenna become loose due to weather or other factors, that the wireless

¹⁷ JWP Brief, pp. 1 and 2.

¹⁸ CL&P and UI contend that they are accommodating many municipal, third-party telecommunications and cable television attachments on their poles on a non-discriminatory basis. However, none of those attachers are allowed to attach to a specific location on a pole (i.e., pole top attachment above primary electric wires) or dictate construction pole standards to the electric distribution companies. CL&P Brief, p. 9; UI Brief, p. 7

¹⁹ ExteNet Systems, Inc. Written Comments, p.1.

²⁰ Collectively, the term "wireless equipment" used throughout this Decision denoted equipment utilized by DAS and CMRS providers.

²¹ Response to Interrogatory TE-33, Attachment 1, p. 4.

equipment could fall into, or become located in close proximity to electric distribution company energized primary conductors. Such events could produce a permanent electric fault resulting in an extended outage.²² CL&P also asserts that installing antennas on top of the utility pole may impact electric reliability by directly interfering with the center phase conductor.²³

Similarly, UI argues that the placement of wireless equipment facilities in the electric power gain presents safety concerns with workers who would be working in close proximity to high voltage electrical facilities.²⁴ UI also contends that the presence of such wireless equipment could cause electric company workers to work within much tighter clearances between conductors and could add ground potential in the power gain. According to UI, these factors would impact existing work practices, requiring additional time to work on electric facilities and the development of new construction standards for pole top construction.²⁵ Furthermore, UI states that the presence of wireless facilities in the power gain may cause "false positive" indications on voltage testing equipment and interfere with employees' ability to affirmatively determine whether electric facilities have been de-energized. Lastly, UI claims that wireless equipment located on the top of utility poles would impede electric work during construction activities that require utility pole shifts or during emergencies such as restoration activities following major storms.²⁶

Currently, CL&P does not allow antennas on pole tops in Connecticut. However, CL&P's affiliate in Massachusetts conducted a trial in 1995 wherein it installed 25 antennas on top of its utility poles, for its own internal communication purposes. According to CL&P, that trial was discontinued and the antennas were removed following two incidents when they were struck by lightning, resulting in substantial damage to equipment on the poles.²⁷ UI indicates that it currently uses Landis+Gyr Network Meter Reading equipment boxes which are mounted in the secondary wires space on its utility poles. These boxes operate at low power and are used to remotely read electric meters and gather electric usage information. According to UI, they are not permanently attached and that the placement of electric equipment required for the operation of the electric distribution system takes precedence over the meter reading boxes.²⁸

The JWP states that access to pole tops for wireless deployment is critical to improve coverage and capacity in many parts of the state, especially where the construction of new towers is not feasible. The JWP also states that no evidence has been presented to refute the fact that NESC-compliant pole-top wireless attachments are safe, and that NESC clearance requirements are sufficient for the reliable operation of electrical grid.²⁹ AT&T states that the NESC and other standards set sufficient safety

²² CL&P Written Comments, p. 5.

²³ *Id.*

²⁴ UI Written Comments, p. 3.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Late Filed Exhibit (LFE) No. 4.

²⁸ LFE No. 5.

²⁹ JWP Brief, p. 5.

standards for antenna installations, and that the electric distribution companies have not offered concrete evidence that pole top antennas compromise electrical safety.³⁰

The OCC asserts that the JWP has failed to provide its expected commercial plan for its intended coverage areas and the types of equipment that is likely to be installed. This has led to an imbalance in the documentation available during negotiations and contributed to the existing stalemate. The OCC contends that the weight of the evidence related to the safety of wireless attachments to utility poles favors the electric distribution companies.³¹

The Department has adopted the NESC as its minimum standard for electric distribution construction. However, there are many facets of electric distribution construction wherein electric distribution companies throughout the nation impose standards that exceed or are not contained within the NESC. The Department has on a number of occasions, required an electric distribution company to make changes to its infrastructure to protect the safety and property of the public when the electric distribution company's plant barely met NESC requirements.³² The mere fact that an installation is NESC compliant does not necessarily mean that it is acceptably safe and sufficient to ensure the reliable and safe operation of electric distribution networks.

The Department finds the feasibility of pole top antenna attachments above primary wires is inconclusive at this time. Although the electric distribution companies appear to have solid technical reasons for prohibiting such attachments, they have been permitted in some states.³³ The Department notes however, that the JWP has not presented a proposed pole top attachment construction plan for facilities installed above primary electric wires or a plan to provide services at this time.³⁴ Thus, the Department is unable to evaluate the merits of any particular design and installation.³⁵ The Department believes that the prudent approach is to defer ruling on the installation of facilities above primary electric wires at this time. In the future, the Department may reconsider this matter after the accumulation of more industry experience with pole top attachments and as discussed below, the industry' experience with antennas on non-primary wire bearing poles.

³⁰ AT&T Brief, pp. 1-3.

³¹ OCC Brief, pp. 2 and 3.

³² For example, in the April 24, 2003 Decision in Docket No. 02-09-09, DPUC Investigation of Electrical Outages in the Pond View Area of Southington, the Department investigated power outages that occurred to customers served by a so-called "overbuilt" circuit, which was fully NESC compliant. The Department determined that "...[t]he existence of overbuilt construction predisposes the lower voltage circuit to power surges, and presents the customers served by those lines with the potential for damage to their property above and beyond the normal risk borne by most customers. The potential damage for such an event is high, given the pervasiveness of electronic equipment and its sensitivity to voltage excursions." Decision, p. 9. In that Decision, Department ordered CL&P to implement a long-term plan to mitigate or eliminate overbuilt circuits of differing voltage levels, even though such construction was NESC compliant.

³³ Response to Interrogatories TE-39; TE-58. While numerous states allow pole-top wireless antennas, not all of them have rules expressly authorizing them. Response to Interrogatory TE-19.

³⁴ Tr. 04/30/09, pp. 130 and 131.

³⁵ The JWP submitted some technical explanations of the wireless equipment. However, the Department finds the information is generic in nature and not Connecticut-specific.

2. Alternative Attachments onto Electric Distribution Systems

CL&P has proposed,³⁶ and subsequently adopted by UI,³⁷ the placement of wireless equipment on top of non-primary bearing utility poles within its distribution system. In particular, CL&P proposed the following placement options:

1. Antennas attached to transmission towers: Wireless providers can continue attach their antenna equipment onto some electric transmission towers.³⁸ Currently, there are 98 such antennas attached on CL&P's transmission towers.
2. Antennas attached to the top of utility poles with secondary electric wires less than 240 volts, Stub Poles or Dedicated Service Poles.³⁹
3. Antennas attached to the top of utility poles without electric facilities: There are thousands of additional poles in CL&P's service territory that are wholly owned by AT&T and CL&P and have no electric equipment on them.
4. Additional alternatives regarding utility pole with primary electric wires: five additional options where wireless providers could attach their equipment onto utility poles that have primary electric wires. These are: a) in the communications gain space; b) below the communications gain space;⁴⁰ c) at the end of streetlight brackets; d) on the top of dedicated pole install across the street; and e) on cable that is strung between two utility poles.

The Department finds the above alternative attachments are sensible in that they should facilitate the deployment of JWP facilities in the public rights of way and accommodate wireless broadband deployment in Connecticut. For example, Option No. 2 would permit the installation of pole top antennas on approximately 25% of CL&P's distribution poles, or approximately 200,000 utility poles distributed throughout CL&P's service territory.⁴¹ Similarly, in UI's service territory, 21% of the company distribution poles could be accessed or 29,342 poles.⁴² The number does not include similar poles in AT&T and Verizon territories.

³⁶ Tr. 04/30/09, pp. 14-17.

³⁷ *Id.*, pp. 54 and 55.

³⁸ Unlike distribution utility pole structures, transmission towers do not have energized conductors at the top of the structure. Response to Interrogatory TE-1.

³⁹ CL&P proposed an additional option later into the proceeding, wherein it would allow wireless attachments on the top of utility poles that have secondary electric wires in the electric gain. CL&P Reply Written Comments, pp. 5 and 6.

⁴⁰ Verizon opposes the placement of wireless equipment below the communication gain. It claims that the antenna equipment would increase congestion in the common space and that equipment poses potential safety issues for workers (i.e., when they ascend or descend the pole and excessive RF exposure from the antenna, etc.). Verizon Reply Written Comments, p. 4. AT&T has not opposed this option. Like other options, the Department requires all safety issues to be reviewed and discussed among the parties, including compliance with the FCC's exposed level of RF requirements.

⁴¹ Tr. 04/30/09, p. 15.

⁴² Tr. 04/30/09, pp. 54 and 55.

The Department encourages the JWP and prospective attachers to consider, as a starting point, these alternative attachments for facilities deployment in Connecticut. The Department also suggests JWP members and others obtain a CPCN if they have not done so already, and submit their specific construction plans to the Department for its review as mandated by the Regulations of Connecticut State Agencies (Conn. Agencies Regs) § 16-247c-5.

3. Pole Attachment Agreements

All parties to this proceeding suggest that the Department allow them to negotiate and enter into commercial pole attachment agreements for approved pole locations. The Department agrees. The pole attachment negotiation process provides a meaningful opportunity for the parties to identify and resolve issues. In Docket No. 07-02-13, the Department addressed a number of contested issues and accepted settlements on outstanding submitted by the working group. Thus, any new wireless pole attachment agreements will not contradict those rulings nor hinder the deployment of telecommunications infrastructure.⁴³

Furthermore, the Department points to the recent ruling made by the FCC in its Order in WC Docket No. 07-245 Implementation of Section 224 of the Act, A National Broadband Plan for Our Future – Order and Further Notice of Proposed Rule Making, dated May 20, 2010. In that Order, the FCC acknowledged Connecticut's pole attachment rulings and has mirrored its federal policies and utility pole attachment processes in its broadband deployment initiatives to reflect those established by the Department. The Department has determined that it will continue to enforce more efficient and effective utility pole attachment agreements and that it intends to provide non-discriminatory, equitable access to the public rights of way without compromising the safety of the public and utility workers.⁴⁴ The Department will also maintain its policy of providing a level playing field to all parties as well as its all out support for the FCC's National Broadband Plan in Connecticut.

T-Mobile Northeast LLC (T-Mobile) requests that the Department issue a ruling regarding the statutory rights of wireless providers consistent with the recent FCC pronouncements. In particular, T-Mobile requests that the Department recognize that wireless providers: (1) can use space and cost-saving techniques that are consistent with pole owners' use of those techniques; (2) have timely access to poles; and (3) that utilities retain the right to limit the use of certain techniques when necessary to ensure safety, reliability, and sound engineering.⁴⁵ The Department finds T-Mobile's request has merit and hereby encourages that any wireless pole attachment agreements reflect these provisions.

⁴³ The Department notes that on February 2009, AT&T no longer provided pole attachment administration service to CL&P. The administration of CL&P's pole attachment agreements was addressed in the June 30, 2010 Decision in Docket No. 09-12-05 Application of The Connecticut Light and Power Company to Amend Its Rate Schedules.

⁴⁴ CL&P and UI opposition to the installation of wireless antennas equipment on the top of the pole above primary wires is not an indication of unreasonably denial access; rather, it based upon a safety concern requiring further evaluation.

⁴⁵ T-Mobile Letter dated June 28, 2010, p. 8.

The Department also finds Verizon's suggestion that the parties use its New York wireless attachment agreements and associated guidelines with policies and timeframe specifically for wireless attachments to have merit.⁴⁶ The Department suggests that the parties use that template as a starting point to tailor their specific policies for Connecticut-specific wireless pole attachment agreements. Any provisions or guidelines contained in the Verizon wireless pole attachment agreements' template must be consistent with Connecticut law and the Department Decisions.

Lastly, the Department will intervene when evidence suggests that a utility pole owner unreasonably denies a wireless provider's request for pole attachment access outside the parameters defined in the mutual wireless facilities pole attachment agreements.

IV. FINDINGS OF FACT

1. Permitting telecommunications providers to bypass the CPCN process and access the public rights of way without first obtaining approval directly contravenes the intent of the legislature.
2. The Department may issue specific orders that supplement the NESC.
3. There are many facets of electric distribution construction wherein electric distribution companies throughout the nation impose standards that exceed or are not contained within the NESC.
4. The electric power distribution companies have proposed a number of alternative installations of pole top antennas on certain non-primary wire bearing poles.

V. CONCLUSION AND ORDERS

A. CONCLUSION

The feasibility of pole top antenna attachments installed above primary wires is inconclusive at this time as no party presented a Connecticut-specific construction proposal for pole top attachments. Therefore, it is impossible for the Department to evaluate the merits of any particular construction design. Consequently, the Department will not permit utility pole attachments on primary wire bearing poles at this time. The Department may reconsider this matter after accumulation of more industry experience with pole top attachments and with the utilities' experience with the installation of wireless antennas on non-primary wire bearing utility poles.

The placement of antenna attachments in areas other than above primary wires, should facilitate the JWP's facilities deployment in the public rights of way and accommodate its needs to bring wireless broadband services in Connecticut. Lastly, the Department will require all parties involved to convene collaborative working

⁴⁶ CL&P and UI administer the pole attachment process and issue license for wireless attachment in the electric gain installation for poles owned by Verizon and AT&T. Response to Interrogatories TE-8; TE-13.

sessions to address, in addition to rate terms and conditions, a standard construction design on non-primary bearing poles for wireless attachments.

B. ORDERS

For the following Orders, submit two originals of the required documentation to the Executive Secretary, 10 Franklin Square, New Britain, CT 06051 and file an electronic version through the Department's website at www.ct.gov/dpuc. Submissions filed in compliance with Department Orders must be identified by all three of the following: Docket Number, Title and Order Number..

1. All wireless providers must obtain a CPCN pursuant to Conn. Gen. Stat. § 16-247h and submit specific construction plan in the public rights of way to the Department for its review pursuant to Conn. Agencies Regs § 16-247c-5.
2. All parties participated in this proceeding shall convene its first meeting, no later than November 17, 2010, and periodic meetings thereafter, as deem appropriate by the participants, to develop the construction standard requirements and policies for the wireless pole attachment agreements. Utility poles owners and the JWP shall enter into negotiations and collaboratively address all issues regarding the construction requirements with regard to wireless equipment attachment alternatives as described in this Decision.
3. No later than March 16, 2011, the JWP shall provide the Department a status report of the working group's activities outlined in Order No. 2, including a list of resolved and outstanding issues concerning the negotiations and commercial agreements relative to the utility pole wireless attachments.

DOCKET NO. 08-06-19 DPUC INVESTIGATION INTO THE DEPLOYMENT OF
DISTRIBUTED ANTENNA SYSTEM (DAS) IN THE PUBLIC
RIGHTS OF WAY IN CONNECTICUT

This Decision is adopted by the following Commissioners:

Anthony J. Palermino

Amalia Vazquez Bzdyra

Kevin M. DelGobbo

CERTIFICATE OF SERVICE

The foregoing is a true and correct copy of the Decision issued by the Department of Public Utility Control, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.



Kimberley J. Santopietro
Executive Secretary
Department of Public Utility Control

September 30, 2010

Date

EXHIBIT 4

(Connecticut's CPCN Application)



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

Enclosed is the Application for a Connecticut Certificate of Public Convenience and Necessity to provide all types of telecommunications services except payphone service. For payphone service, use the application form for that service only. Filing instructions are also enclosed. In particular, please note that the Department of Public Utility Control (Department) requires all filings to be submitted electronically in addition to hard copy.

When filing the Application, the following must be provided:

- Hard copy: one (1) original and seven (7) copies of the Application, including all Exhibits, Affidavits and any attachments. **(Exception: If the entire application (including exhibits) is filed electronically, only the paper original need be submitted.)**
- Electronic: one (1) copy of the Application, including all Exhibits, Affidavits and any attachments that the Applicant has in electronic form; and
- A filing fee of \$1,000 made payable to the Treasurer of the State of Connecticut. A notation on the check should indicate that it is for the Telcom CPCN Application Fee.

Please send the completed Application to Louise E. Rickard, Acting Executive Secretary, Department of Public Utility Control, Ten Franklin Square, New Britain, CT 06051. The Department will open a docket upon receipt of the Application.

If you need further information, please call the Department's Consumer Assistance and Information Unit at (860) 827-2622 or the Acting Executive Secretary at 860-827-2601.

FILING INSTRUCTIONS

- I. **WHERE TO FILE:** Send hard copies to Louise E. Rickard, Acting Executive Secretary, Department of Public Utility Control, Ten Franklin Square, New Britain, CT 06051.

- II. **WHAT TO FILE:** Submit one original hard copy as well as one electronic copy of the Application, Exhibits, Affidavits and any other attachments. The Department will accept electronic filings that are not complete (i.e., not all documents available electronically.) However, if the electronic copy is not complete, submit an additional eight hard copies.

All attachments, including Exhibits and Affidavits, should be clearly identified. For example, Exhibit A-9 should be marked, "Exhibit A-9: 'Director, Officer and Major Stockholder Information.'" All pages should be numbered and attached in sequential order, except for material for which protected treatment is sought (see below).

- III. **PROTECTED MATERIAL:** Place hard copies of any documents for which the applicant is seeking confidential treatment in a separate envelope marked "confidential," and include a motion for protective order, a proposed protective order, and an affidavit. Many examples of these documents can be found on our website under Docket Databases-Active Docket Database by searching for "protective order." Do not submit protected material in electronic form.

- IV. **ELECTRONIC FILING.** The preferred method is filing from our website: <http://www.dpuc.state.ct.us/ElectronicFiling/DPUCElectronicFiling.nsf>. Advance online registration is required (click on the link above, then Initial Registration.) Alternatively, e-mail the files to dpuc.executivesecretary@po.state.ct.us or submit IBM-formatted diskette(s) or a CD labeled with the company name, filing date, and if more than one, the number of the diskette (e.g., 1 of 1, 1 of 2).

- V. **QUESTIONS:** Questions regarding filing procedures should be directed to Louise Rickard, at (860) 827-2601 or louise.rickard@po.state.ct.us.

- VI. **GOVERNING LAW:** The granting of telecommunications certificates of public convenience and necessity is governed by Sections 16-247a through 16-247l of the General Statutes of Connecticut and Sections 16-247c-2 to 16-247c-5, and Sections 16-247g-1 through 16-247g-9, inclusive, of the Regulations of Connecticut State Agencies. These statutes and regulations are available on the Department's website under Statutes and Regulations.

Application for Telcom CPCN



State of Connecticut
Department of Public Utility Control
10 Franklin Square
New Britain, CT 06051
Phone: (860) 827-1553; Main Fax: (860) 827-2613
<http://www.state.ct.us/dpuc>

TYPE OF APPLICATION

Check all that apply

- Reseller
- Facilities-based
- Intrastate Toll service
- Local Exchange service
- Other _____

A. APPLICANT INFORMATION

(A-1) Applicant's legal name, address and web site:

Name: _____
Address: _____ Main Telephone: _____
City, State, Zip: _____
Web site (if any): _____

(A-2) If any, Applicant's principal office in Connecticut:

Address: _____
City, State, Zip: _____
Main Telephone: _____ Main Fax: _____

(A-3) Contact person for regulatory matters:

Name: _____ Title: _____
Address: _____
City, State, Zip: _____
Telephone: _____ Fax: _____
E-mail Address: _____

(A-4) Applicant's agent for service in Connecticut:

Name: _____ Company: _____
Address: _____
City, State, Zip: _____
Telephone: _____ Fax: _____
E-mail address: _____

(A-4) Applicant's contact for Annual Reports:

Name: _____ Company: _____
Address: _____
City, State, Zip: _____
Telephone: _____ Fax: _____
E-mail address: _____

Application for Telecom CPCN

(A-5) Applicant's address and toll-free telephone number for customer service and complaints:

Name: _____ Title: _____
Address: _____
City, State, Zip: _____
Toll-free Telephone: _____ Fax: _____
E-mail address: _____

(A-6) Applicant's Federal Employer Identification Number (FEIN): _____

(A-7) Applicant's legal form of ownership:

- Corporation
 LLC
 LLP
 Other: _____

(A-8) Applicant was formed or organized on MM/DD/YY in (City), (State).

(A-9) **Exhibit A-9: Director, Officer, and Major Stockholder Information**

Provide a complete list of Applicant's officers, directors, partners or similar officers, and all stockholders with ownership exceeding five percent, including: (a) name; (b) job title; (c) business address; (d) business telephone number, and (e), percentage of stock owned. If Applicant is a subsidiary of another company, provide ownership information on the Parent.

(A-10) **Exhibit A-10: Business Registration in Connecticut**

Provide a copy of any business registration on file with the Connecticut Secretary of State, including but not limited to a Certificate of Authorization/Existence (short form, not express form).

(A-11) **Exhibit A-11: Articles of Incorporation or Organization and Bylaws**

Provide the following: (a) The articles of incorporation filed with the state or jurisdiction in which Applicant is incorporated and any amendments thereto; and (b) Applicant's bylaws and any amendments thereto. For LLCs and LLPs, provide the analogous Articles of Organization and bylaws, with any amendments.

(A-12) **Exhibit A-12: Corporate Structure**

Provide a chart or any similar graphical depiction of Applicant's entire corporate structure to clearly show: (a) the names of all Applicant's affiliates; (b) the relationship between all the affiliates; and (c) the names of all holding companies affiliated with Applicant.

(A-13) **Exhibit A-13: Violation of Consumer Protection Law**

Is Applicant currently under investigation, or has Applicant ever been fined, sanctioned or penalized, in any state for violation of any consumer protection law or regulation?

- Yes If yes, provide **Exhibit A-14: "Violation of Consumer Protection Law."** For each current investigation, provide all of the following: name of the state and agency conducting the investigation; date on which investigation began; description of the nature of the alleged violation; and status of the investigation. For each fine, sanction or penalty, provide all of the following: date of the fine, sanction or penalty; name of state and agency imposing the fine, sanction or penalty; description of the violation; description of the fine, sanction or penalty, including monetary amounts, if applicable; and copy of the order imposing the fine, sanction or penalty
- No

Application for Telcom CPCN

B. PROPOSED SCOPE OF SERVICE

(B-1) Exhibit B-1: Description of Proposed Services

Provide a brief description of the services proposed to be provided. In addition, provide proposed illustrative tariffs.

(B-2) Service Area

If applying to provide local exchange service, specify the geographic area for which authority to serve is sought:

The ENTIRE state of Connecticut

Labor Market Areas: _____

(B-3) Exhibit B-3: Operations in Other States

Does Applicant currently provide, or has Applicant ever provided, telecommunications services in another state?

Yes If yes, provide Exhibit B-3: Operations in other States. For each state in which Applicant currently operates or has previously operated, provide all of the following: (a) status of Applicant's operations (e.g., active, inactive, pending); (b) copy of all decisions or orders of the agencies denying Applicant the authority to offer telecommunications services; (c) reasons for the cessation of Applicant's operations, if applicable; and (d) any other relevant information or materials.

No

C. FINANCIAL CAPABILITY

(C-1) Exhibit C-1: "Applicant's Financial Statements"

Applicant is a publicly-held company. Provide at least one of the following:

(a) Applicant's two most recent annual reports to stockholders, which shall include balance sheet, income statement, cash flow analysis and notes to financial statements; or

(b) Applicant's two most recent filings made with the Securities and Exchange Commission, such as 10-K or 10-Q and 8-K filings. Also provide a complete copy of the Parent Company's last Form 10K as filed with the SEC, if applicable.

Applicant is a privately-held entity. Provide each of the following:

(a) Two most recent annual financial statements (audited if available), which shall include balance sheet, income statement, cash flow analysis and notes to financial statements; and

(b) Most recent quarterly financial statement, if available.

(C-2) Exhibit C-2 Tax Returns

Provide copies of all tax returns filed by Applicant during the last two years with the United States Internal Revenue Service and the Connecticut Department of Revenue Services.

(C-3) Exhibit C-3: Revenue Earned in Other States

For the five states in which Applicant has offered the proposed services the longest, provide the total intrastate revenue received from each service and the associated intrastate access charges paid to the local exchange company for the last calendar year.

(C-4) Exhibit C-4: Projected Number of Subscribers and Related Data

For each service for which Applicant is seeking authorization, separately provide the estimated number of subscribers by residential and business lines subscribed for the next three years. Also provide any forecasts filed with state public utility commissions in any of the five states referenced in C-3 above relative to revenues, customers, minutes of use and access lines expected from these services.

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(C-5) Separate Books and Records

If granted a Connecticut certificate of public convenience and necessity to provide telecommunications services, will Applicant maintain separate books and records for Connecticut operations?

- Yes
 No

(C-6) Timing of Provision of Local Service

If Applicant is seeking to provide local exchange service, state whether it will provide service to all customers requesting local exchange service within five years from the date of certificate issuance.

- Yes
 No

(C-7) Unauthorized Provision of Service

If Applicant is currently providing intrastate services in Connecticut, provide the date service began and the total revenues accrued in the period prior to receiving a Connecticut certificate of public convenience and necessity.

Date service began: _____

Revenues accrued: _____

(C-8) Required Bond

If granted a certificate of public convenience and necessity to provide local exchange service, will the Company provide proof of a bond as required in the Decision dated April 2, 2000 in Docket No. 01-12-10, DPUC Investigation into the Discontinuation of Telecommunications Services by Certified Telecommunications Service Providers and the Decision dated May 5, 2004 in Docket No. 01-12-10RE01.

- Yes
 No

D. TECHNICAL CAPABILITY

(D-1) Exhibit D-1: Technical Qualifications

Provide an exhibit demonstrating Applicant's technical qualifications.

(D-2) Exhibit D-2: Facilities-Based Provider's Capital/Construction Plan and Budget

If applying as a facilities-based provider, provide a one year capital/construction plan and budget explaining Applicant's plans to construct and/or lease facilities in this state. Detail the equipment, labor, and associated expenses that will be involved.

(D-3) Exhibit D-3: Reseller's Underlying Carrier(s)

If applying as a reseller, separately identify each underlying carrier the services/facilities of which Applicant proposes to resell or use in the provisioning of its proposed intrastate services in Connecticut and summarize the status of Applicant's agreements/negotiations with those carriers regarding the provision of those services in Connecticut. Indicate if each such carrier is certificated to provide these services in Connecticut.

(D-4) Exhibit D-4: Reseller's Operator Service Agreements

If applying as a reseller, what operator service agreements does Applicant have in place for calls within Connecticut? If none, when does Applicant expect to have intrastate operator service agreements in place and with whom?

Application for Telecom CPCN

- (D-5) **Exhibit D-5: Other Relevant Information Concerning Technical Capability**
Provide any other information that would demonstrate Applicant's technical ability or fitness to provide the proposed services.

E. MANAGERIAL CAPABILITY

- (E-1) **Exhibit E-1: Background in Telecommunications Industry**
Provide a detailed summary of Applicant's background in the telecommunications industry.
- (E-2) **Exhibit E-2: Resumes of Officers**
Provide the following: (a) a list of the names of all officers directly responsible for Applicant's operations, including a description of each officer's job title and duties and responsibilities; and (b) each officer's professional resume.
- (E-3) **Exhibit E-3: Other Relevant Information Concerning Managerial Capability**
If available, provide any other information or documentation that would demonstrate Applicant's managerial ability or fitness to provide the services proposed.

F. CUSTOMER SERVICE

- (F-1) **Exhibit F-1: Customer Service Plan**
Provide copy of Applicant's Connecticut customer service plan, which shall address each of the following:
(a) customer security deposit procedures and requirements;
(b) customer complaint handling and dispute resolution procedures;
(c) customer termination procedures;
(d) customer rights and responsibilities; and
(e) disclosure of customer information procedures.
- (F-2) **Exhibit F-2: Affirmative Customer Selection Procedures**
Provide a description of the actions that Applicant will take to ensure that new customers affirmatively select the Applicant, confirming paperwork and description of sales agents' training and supervision. If applicable, include a copy of the Letter of Authorization.
- (F-3) **Exhibit F-3: Customer Complaint Data**
For each state in which Applicant provides service, indicate the number of complaints (by type) that have been filed with Applicant and with each state's public utilities commission annually for the last four calendar years.
- (F-4) **Exhibit F-4: Sample Contract**
If applicable, provide a sample contract for a service arrangement for a Connecticut customer.
- (F-5) **Exhibit F-5: Sample Bill**
Provide a sample copy of Applicant's bill as it would be sent to a Connecticut customer.
- (F-6) **Billing Entity**
Will Applicant perform all its own billing for the proposed services in Connecticut?
 Yes
 No If no, indicate what entity will bill on Applicant's behalf: _____
-

Application for Telcom CPCN

(F-7) Bill Message

Indicate if Connecticut customer bills will include the following message:

"If you remain dissatisfied with our resolution of your complaint, you may contact the Department of Public Utility Control, Consumer Assistance, Ten Franklin Square, New Britain, CT 06051. The Department may also be reached toll-free within Connecticut at 1-800-382-4586 or (860) 827-2622 from out of state.

- Yes
 No

G. STATE POLICY GOALS

(G-1) Exhibit G-1: State Policy Goals

Explain how the issuance of a Certificate of Public Convenience and Necessity to the Applicant will satisfy the goals of § 16-247a of the General Statutes of Connecticut (Conn. Gen. Stat.). In particular, separately explain how the Applicant's intrastate provision of service will: (1) ensure the universal availability and accessibility of high quality affordable telecommunications services to all residents and businesses in the state; (2) promote the development of effective competition as a means of providing customers with the widest possible choice of services; (3) utilize forms of regulation commensurate with the level of competition in the relevant telecommunications service market; (4) facilitate the efficient development and deployment of a telecommunications infrastructure, including open networks with maximum interoperability and interconnectivity; (5) encourage shared use of existing facilities and cooperative development of new facilities where legally possible, and technically and economically feasible; and (6) ensure that providers of telecommunications services in the state provide high quality customer service and high quality technical service.

H. OTHER INFORMATION OR MOTIONS

(H-1) Does this application contain material that the Applicant seeks to keep confidential pursuant to Connecticut's Freedom of Information Act?

- Yes. File a motion for protective order according to the procedures explained under Filer Info on the Department's website. (Submit an original and 9 copies of the motion separately collated from the application.)
- No

(H-2) Does this application contain requests for waivers of any requirements?

- Yes. Attach an original and 9 copies of any such motion separately collated from the application.
- No

(H-3) Is additional information attached?

- Yes. If so, explain _____
- No

Application for Telcom CPCN

AFFIDAVIT #1
"Veracity of Statements"

State of _____ :
: _____ ss.
(Town)

County of _____ :

_____, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/she is the _____ (Office of Affiant) of _____ (Name of Applicant);

That he/she is authorized to and does make this affidavit for said Applicant; —

That _____, the Applicant herein, certifies under penalty of false statement that all statements made in the application for licensure are true and complete and that it will also amend its application while the application is pending if any substantial changes occur regarding the information provided in the application within ten days of any such change.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____ day of _____, _____
Month Year

Signature of official administering oath

Print Name and Title

My commission expires _____.

Application for Telcom CPCN

AFFIDAVIT #3
"Full Cooperation in the Event of an Emergency"

State of _____ :
: _____ ss.
(Town)

County of _____ :

_____, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/she is the _____ (Office of Affiant) of _____ (Name of Applicant);

That he/she is authorized to and does make this affidavit for said Applicant;

That _____, the Applicant herein, attests that it will cooperate fully with the Department of Public Utility Control, and other telecommunications companies in the event of an emergency condition that may jeopardize the safety and reliability of telecommunications service in accordance with emergency plans and other procedures as may be determined appropriate by the Department.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____ day of _____, _____
Month Year

Signature of official administering oath

Print Name and Title

My commission expires _____
(For Notary Publics only)

Application for Telcom CPCN

AFFIDAVIT #4
"Non-Divulgence of Unauthorized Customer Information"

State of _____ :
: _____ ss.
(Town)

County of _____ :

_____, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/she is the _____ (Office of Affiant) of _____ (Name of Applicant);

That he/she is authorized to and does make this affidavit for said Applicant;

That _____, the Applicant herein, attests that it will not release customer information to any person, as that term is defined in section 16-1 of the General Statutes of Connecticut, unless the customer signs a release. For purposes of this affidavit, "customer information" means customer-specific information that the provider acquired or developed in the course of providing services and includes, but is not limited to information that relates to the quantity, time of use, type and destination of telecommunications service, information contained in bills and other customer-specific data.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____ day of _____, _____
Month Year

Signature of official administering oath

Print Name and Title

My commission expires _____
(For Notary Publics only)