

ORDER NO. 91601

In the Matter of the Current Status of the
Market for Attachments to Utility Poles in
Maryland

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BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

Administrative Docket
PC 38

Issue Date: April 10, 2025

ORDER ON UTILITY WIRE ATTACHMENTS AND DOUBLE POLES

During the 2015 legislative session, the Maryland General Assembly passed House Bill 541 (“HB 541”) entitled “Public Service Commission - Attachments to Utility Poles - Study.” Governor Larry Hogan signed HB 541 into law on May 12, 2015. The bill required that the Commission establish a workgroup to study attachments to utility poles in the State, including whether the regulation of pole attachment agreements at the State level is in the public interest. In accordance with HB 541, the Commission convened Public Conference 38 (“PC 38”) to obtain and review information on the current state of the market for attachments to utility poles in the State, and delegated the matter to the Commission’s Technical Staff (“Staff”) to produce a final report.

Staff filed an interim report on January 15, 2016,¹ noting that, in addition to the large electric utilities, a number of other parties filed comments in this matter, including Easton Utilities Commission, the City of Greenbelt, Hagerstown Light Department, Virginia, Maryland, and Delaware Association of Electric Cooperatives, Choptank Electric Cooperative, Inc.

¹ Maillog No. 182584: Staff Report on Utility Pole Attachments in Maryland (“Staff Interim Report”) (PC 38 Docket No. 13).

(“Choptank”), Southern Maryland Electric Cooperative, Inc. (“SMECO”) and AT&T.² Staff acknowledged that, while efforts had been made by pole owners to reduce the existence of double poles,³ improvements could be made as “the market has not minimized the prevalence of legacy poles, or appropriately incented the prompt removal of existing legacy poles and the swift removal of new double poles.”⁴ Staff also found that “communication between pole owners and third party attachers can be improved in order to help alleviate the prevalence of double poles.”⁵

In order to improve the communication between pole owners and third party attachers, Staff filed a rulemaking petition with the Commission on November 1, 2016, which was docketed as RM 59 - Revisions to COMAR 20.45 and 20.50 Pole Attachments.⁶ In its petition, Staff recommended that the Maryland utilities use the National Joint Utilities Notification System (“NJUNS”),⁷ a web-based notification platform offering utilities a method to obtain up-to-date information related to pole attachments, including double poles. The Commission took no action on Staff’s rulemaking petition, primarily because Verizon Maryland LLC (“Verizon”) and the electric utilities asserted that the existing methods and software in place to coordinate pole work were sufficient and that use of NJUNS is unnecessary.

Staff filed its final report on October 2, 2017, recommending that the Commission direct Verizon and the electric utilities to file annual informational reports for the next five years in order

² *Id.* at 4, n.9.

³ Double poles occur when a new pole is installed to replace an existing pole, but the existing pole is not removed, or is only partially removed. *See* Item No. 13 at 5 in the PC 38 docket.

⁴ Staff Report at 11.

⁵ *Id.*

⁶ Although Staff’s report and its rulemaking petition focused on the large investor-owned electric utilities and SMECO, HB 541 (2015) directed a review of pole attachments statewide, without regard to the size of the electric utility, and did not differentiate between the pole attachment source, whether electric, telecommunication or other.

⁷ NJUNS is a state subscription-based service that automatically notifies all relevant parties and attachers when work on a particular pole needs to be executed, eliminating the need for manual entry and notification. Staff also recommended that the NJUNS fees be paid by the four largest electric utilities in the State (Baltimore Gas and Electric (“BGE”), Potomac Electric Power Company (“Pepco”), Delmarva Power and Light Company (“Delmarva”), and Potomac Edison (“PE”)), prorated by the number of customers.

to monitor the ongoing efforts to reduce double poles.⁸ The Commission approved Staff's recommendation on November 8, 2017, stating in its letter order as follows:

Verizon Maryland LLC, Baltimore Gas and Electric Company, Potomac Electric Power Company, Delmarva Power and Light Company, The Potomac Edison Company, Southern Maryland Electric Cooperative, Inc. and Choptank Electric Cooperative Inc. [collectively, "the Maryland Utilities"] are hereby directed to file with the Commission an annual report by March 30 of each year, beginning with March 30, 2018, for the next five years indicating the current number of double poles and the number of double poles removed in the preceding calendar year.⁹

Table 1 below summarizes the data provided in the annual reports. As reflected in the table, data required by the Commission's November 8, 2017 order is missing,¹⁰ and the data provided does not indicate progress being made by several of the utilities.

Table 1 - Existing and Removed Double Poles¹¹

Year	BGE		Delmarva		Potomac Edison		Pepco		SMECO	
	Existing	Removed	Existing	Removed	Existing	Removed	Existing	Removed	Existing	Removed
2017	N/A	4035	N/A	Missing	N/A	184	N/A	Missing	N/A	91
2018	Missing	3898	Missing	30	466	176	Missing	1950	2184	156
2019	Missing	2446	2397	1450	332	193	2331	460	2470	1201
2020	Missing	1413	2695	566	499	157	4552	881	1853	1107
2021	Missing	1638	2129	257	556	264	1945	1095	1886	2203
2022	Missing	N/A	2278	N/A	443	N/A	1671	N/A	619	N/A
Total	N/A	13430	N/A	2303	N/A	974	N/A	4386	N/A	4758

⁸ Maillog No. 217174: Continuing Reduction of Double Poles and Increased Communications among Verizon and the Electric Utilities ("Staff Final Report") (PC 38 Docket No. 30).

⁹ Maillog No. 217736.

¹⁰ BGE's 2018 annual filing at 1 states that "As of March 30, 2018 there are approximately 2000 legacy double wood poles in BGE's electric distribution service territory. Legacy poles are poles identified prior to November 2013." BGE then indicated in its 2019 annual filing that there are no more legacy poles; however, the Commission's November 8, 2017 Order requires data on the "current number of double poles," not just legacy double poles. Further, the PC 38 docket does not contain 2018 annual filings for Pepco or Delmarva.

¹¹ In response to the Commission's November 8, 2017 Order, Verizon and Choptank filed reports providing data that is not included in Table No. 1.

Commission Decision

This matter was raised at the March 5 and 6, 2025 hearings in Case No. 9655 on Pepco's MRP-1 Year 3 Rate Reconciliation.¹² A review of the utility data in Table No. 1 does not demonstrate convincingly that Maryland utilities remain focused on removing double poles. The Commission is therefore continuing its review of utility pole attachments and double poles.

The Commission renews its November 8, 2017 Order, directing the aforementioned Maryland Utilities to file with the Commission updated annual reports through the end of 2024 indicating the current number of double poles and the number of double poles removed in the preceding calendar year. In addition, the Maryland utilities are directed to provide information on the historical average elimination time for double poles and the historical maximum time duration a double pole existed, annually between 2018 through 2024. Based on this data the Commission is interested in the Maryland Utilities' projections and rationale for a reasonable average double pole elimination time standard and a maximum double pole time duration standard, should the Commission decide to direct that future standards be adopted. The Commission invites all municipal and cooperative utilities to also respond to this directive, in addition to the Maryland Utilities that are required to respond. The reports should also include any and all corrections to previously submitted annual reports in order to resolve data omissions, discrepancies, and explanations for trends since 2018 in either reducing or increasing the prevalence of double poles.¹³ BGE, Pepco and Delmarva should also provide or explain the missing data as described herein.

¹² Case No. 9655, March 5, 2025, Hrg. Tr. Page 198 at 9 to Page 214 at 13; Case No. 9655, March 6, 2025, Hrg. Tr. Page 341 at 13 to Page 344 at 4. "MRP"-1 is Pepco's initial multi-year rate plan, which was filed on October 26, 2020.

¹³ Verizon should also provide any data that will assist the Commission in addressing the pole attachment issues discussed in this Order.

Furthermore, the issue of wire attachments has also been raised, particularly with respect to occasional complaints from legislators¹⁴ and customers¹⁵ regarding utilities' responsibility for dealing with "foreign wire pole attachment"¹⁶ issues where the responsibility for resolving this issue may be unclear. In particular, the Commission is interested in the sufficiency of existing utility processes to identify and refer "foreign wire pole attachment" complaints and problems to the proper wire attachment owner during and after storms with downed communication wires, and also processes to identify and refer these types of problems to the proper wire attachment owner during "blue sky" conditions. The Commission is also interested in the sufficiency of associated utility call center processes to respond to customer inquiries requesting assistance in identifying who is responsible for a problem with poles and "foreign wire pole attachments," including referring and tracking issues until completion, as well as any related metrics that are kept by a utility to measure the process. The aforementioned Maryland Utilities are directed to provide further information on these processes and metrics, while all municipal and cooperative utilities are invited to do so, as well.

After the required filings are made by the Maryland Utilities, the Commission invites Staff and other interested stakeholders to file by August 1, 2025 comments and recommendations for further steps, if any, that should be considered by the Commission. Comments should be addressed to Andrew S. Johnston, Executive Secretary, Maryland Public Service Commission, William

¹⁴ SB 754 was introduced in the 2021 Session of the Maryland General Assembly to require certain notifications to the owner of a utility pole if the Commission received notice related to a damaged or dangling line, an obsolete or redundant line, or a blight or public nuisance caused by an excessive number of lines on a utility pole. This bill was not passed.

¹⁵ See "When it comes to utility wires and boxes, companies pass the buck" <https://www.washingtonpost.com/dc-md-va/2022/04/24/pepco-utility-poles/>.

¹⁶ A "foreign wire pole attachment" refers to the attachment of communication cables or other non-utility services to a utility pole, requiring agreements and adherence to specific regulations and safety standards.

Donald Schaefer Tower, 6 St. Paul Street, 16th Floor, Baltimore, Maryland 21202, and reference “PC 38” in the subject line of the cover letter.

IT IS, THEREFORE, this 10th day of April, in the year Two Thousand Twenty-Five, by the Public Service Commission of Maryland, **ORDERED**:

(1) that the Maryland Utilities shall, by June 2, 2025, provide the annual data requested in the Commission’s November 8, 2017 letter order through the end of 2024 as described herein;

(2) that the Maryland Utilities shall, by June 2, 2025, provide information on their processes and metrics related to “foreign wire pole attachments” as described herein;

(3) That the Maryland Utilities shall, by June 2, 2025, provide information pertaining to historical average elimination time for double poles and historical maximum time duration a double pole existed, as well as recommendations for future standards, as described herein; and

(4) that Staff and other interested stakeholders shall file their comments and recommendations on the filings by the Maryland Utilities by August 1, 2025, explaining and recommending any further steps regarding double pole removal and “foreign wire pole attachments” that should be considered by the Commission.

/s/ Frederick H. Hoover, Jr.

/s/ Michael T. Richard

/s/ Kumar P. Barve

/s/ Bonnie A. Suchman

Commissioners