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PUBLIC SERVICE COMMISSION

June 10, 2015

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

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Administrative Docket
PC 38

NOTICE CONVENING PUBLIC CONFERENCE

To: All Interested Persons

The Public Service Commission of Maryland (“Commission”) hereby initiates Public Conference 38 (“PC38”) to review the current status of the market for attachments to utility poles in Maryland, and whether regulation of pole attachment agreements at the State level is in the public interest. All parties interested in this topic shall file written comments, and responses to the eight information requests listed below in this Notice on or before July 31, 2015.

During the 2015 legislative session, the Maryland General Assembly passed House Bill 541 entitled “Public Service Commission – Attachments to Utility Poles – Study.” On May 12, 2015, Governor Hogan signed the bill into law. The law requires the Commission to convene a workgroup of interested persons to study attachments to utility poles in Maryland. The law also requires the Commission submit a report to the General Assembly no later than December 31, 2015, on the findings and recommendations regarding the state of the market for attachments for

utility poles, and whether regulation of pole attachment agreements at the State level is in the public interest. The report must include information and recommendations pertaining to:

1. Whether regulation of pole attachment agreements at the State level is in the public interest.
2. The rates currently being charged by utilities for pole attachments.
3. Whether access to poles and other infrastructure by third parties is just and reasonable.
4. The types of technology currently being attached to poles, and the positioning of such technology on the poles.
5. The prevalence of double poles in the Maryland.¹
6. The quality of the notice between utilities and its pole attachment customers regarding removal or modifications of facilities, rates, and terminations.
7. The resources necessary to effectively regulate pole attachments in the state.
8. Any additional issues related to pole attachments in Maryland.

Accordingly, the Commission initiates this Public Conference to obtain and review information regarding the market for pole attachments in the State. The Commission intends to ascertain the current state of the market so that the Commission's required public interest determination on the regulation of pole attachments is accomplished using the best available information as a baseline. Each interested person or party is directed to file by July 31, 2015, written comments regarding the eight topics outlined by the Legislature listed above. Additionally, all owners of utility poles in the state² are required to file by July 31, 2015 a complete pricing schedule of the rates charged to pole attachment customers, all rules regarding

¹ A double pole situation occurs when two utility poles are placed adjacent to each other. These situations occur most frequently when a utility installs a new pole to replace an old pole, but fails to remove the old pole afterwards.
² "Owners of utility poles" includes, at a minimum, Verizon Maryland LLC, and all electric utilities that operate in Maryland.

the types of technology and the positioning of the technologies attached to poles, the prevalence of double poles in their service territory, and a representative sample of the notice provided to pole attachment customers regarding removal or modifications of facilities, rates, and terminations.

Finally, the Commission directs the Staff of the Commission to facilitate and conduct all Work Group meetings, pursuant to House Bill 541. The Staff is hereby tasked with filing a proposed timeline for the Work Group activity on or before July 31, 2015.

An original and seventeen (17) copies, and an electronic copy, of all filings, identified as PC38, shall be filed with the Commission and addressed to David J. Collins, Executive Secretary, Maryland Public Service Commission, William Donald Schaefer Tower, 6 St. Paul Street, 16th Floor, Baltimore, Maryland 21202. Five of the copies shall be three-hole punched. The interested parties are encouraged to use the Commission's "e-file" system that is available on the Commission's website, www.psc.state.md.us.

By Direction of the Commission,

/s/ David J. Collins

David J. Collins
Executive Secretary