

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**



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Petition of the Safety and Enforcement  
Division to Adopt, Amend, or Repeal  
General Order 95 Pursuant to Pub. Util.  
Code Section 1708.5

P.16-05-004  
(Filed May 9, 2016)

**COMMENTS OF THE CIP COALITION ON  
PROPOSED DECISION RE ORDER REGARDING PETITION 16-05-004  
AND ORDER INSTITUTING RULEMAKING TO CONSIDER  
SPECIFIED AMENDMENTS TO RULE 18 OF GENERAL ORDER 95**

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**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Petition of the Safety and Enforcement  
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SPECIFIED AMENDMENTS TO RULE 18 OF GENERAL ORDER 95**

In accord with Rule 14.3 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), the members of the Communication Infrastructure Providers (“CIP”) Coalition (AT&T California and New Cingular Wireless PCS, LLC (“AT&T”), the California Cable and Telecommunications Association , Comcast Phone of California, LLC, Consolidated Communications of California Company, Cox Communications California, LLC, Cox California Telcom, LLC, Crown Castle NG West LLC, CTIA,<sup>1</sup> the Small LECs,<sup>2</sup> Sunesys, LLC, T-Mobile West LLC dba T-Mobile, Time Warner Cable Information

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<sup>1</sup> CTIA – The Wireless Association® (“CTIA”) ([www.ctia.org](http://www.ctia.org)) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21st century connected life. The association’s members include wireless carriers, device manufacturers, suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry’s voluntary best practices, hosts educational events that promote the wireless industry and co-produces the industry’s leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

<sup>2</sup> The Small LECs are the following carriers: Calaveras Telephone Company, Cal-Ore Telephone Co., Ducor Telephone Company, Foresthill Telephone Co., Happy Valley Telephone Company, Hornitos Telephone Company, Kerman Telephone Co., Pinnacles Telephone Co., The Ponderosa Telephone Co., Sierra Telephone Company, Inc., The Siskiyou Telephone Company, Volcano Telephone Company, and Winterhaven Telephone Company.

Services (California), LLC, Cellco Partnership dba Verizon Wireless, and Citizens Telecommunications Company of California Inc. d/b/a Frontier Communications of California, Frontier Communications of the Southwest Inc., and Frontier California Inc. (collectively “Frontier”)), provide these comments on the Proposed Decision re Order Regarding Petition 16-05-004 and Order Instituting Rulemaking to Consider Specified Amendment to Rule 18 of General Order 95 filed in the above-captioned proceeding on October 5, 2016 (the “PD”).

In its comments to SED’s Petition 16-05-004, the CIP Coalition stated support for a rulemaking proceeding in the event that the Commission believes that a review of Rule 18 is warranted.<sup>3</sup> A rulemaking permits a proper examination of Rule 18 by the Commission, and all interested stakeholders can participate in the process, share their experiences and concerns, and consider what, if any, of the revisions requested by SED or any other changes to Rule 18 should be adopted by the Commission – all with the goal of promoting safety and building consensus. Indeed, the parties to this proceeding (CIPs, IOUs, and SED) have a long history of working together on issues related to General Order 95, including Rule 18.

As stated in more detail in the CIP Coalition’s response to SED’s Petition, and as recognized in the PD, a complete elimination of Rule 18 does not enhance the safety and reliability of overhead utility facilities, the stated goal of the proposed OIR. The CIP Coalition

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<sup>3</sup> The PD states (at 10) that “[a]ll of the responses oppose SED’s Petition to open a rulemaking proceeding to repeal Rule 18.” This statement is not entirely accurate. Nowhere in SED’s Petition is there a request to the Commission for the opening of a rulemaking. Rather, SED’s Petition asks the Commission to simply repeal Rule 18, without reference to any proceeding. *See* SED’s Petition, pp. 1, 3, 5, 13-14, 17 (May 9, 2016). The CIPs’ response to SED’s Petition was to support a rulemaking proceeding if the Commission feels that changes to Rule 18 should be considered. *See* Response of the CIP Coalition to Safety and Enforcement Division’s Amended Petition to Adopt, Amend or Repeal Rule 18 of General Order 95, pp. 4, 13-15 (June 9, 2016).

supports the scheduling of workshops (as contemplated in the PD) on two important issues, both of which are recognized in the PD:

- The length of time permitted for utilities to remediate conditions that pose low to high but non-immediate safety and/or reliability risk (Rule 18 - Priority Level 2), and those conditions that are at an acceptable level of risk and thus the utility has the discretion to take action as appropriate (Priority Level 3), both of which recognize that prioritization of remedial work should take into account the relative safety risks conditions pose; and
- Whether the term “nonconformance” should be maintained as a more appropriate term for Rule 18 in that it recognizes that not all conditions that may need remediation are – or should be – violations and allows utilities/CIPs to appropriately prioritize remedial work to address the most serious risks without being penalized at the same time for that prioritization.

The CIP Coalition welcomes the opportunity to discuss those two important issues with other parties and stakeholders in order to provide a sound record upon which the Commission can make an informed decision that will enhance public safety.

Dated: October 26, 2016

Respectfully submitted,

By: \_\_\_\_\_ /s/

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<sup>4</sup> Consistent with CPUC Rule of Practice and Procedure 1.8(d), counsel for AT&T is authorized to sign and tender these comments for the members of the CIP Coalition.