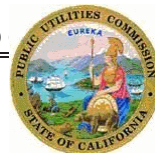


PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

**FILED**

8-28-17
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August 28, 2017

Agenda ID #15938
Quasi-legislative

TO PARTIES OF RECORD IN PETITION 17-03-004 AND R. _____:

This is the proposed decision of Commissioner Michael Picker. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's October 12, 2017, Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

/s/ ANNE E. SIMON

Anne E. Simon

Acting Chief Administrative Law Judge

AES:lil

Attachment

Decision **PROPOSED DECISION OF COMMISSIONER PICKER**
(Mailed 8/28/2017)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

Petition 17-03-004

Order Instituting Rulemaking Proceeding to
Consider Amendments to General Order 95.

R. _____

**ORDER REGARDING PETITION 17-03-004
AND ORDER INSTITUTING RULEMAKING PROCEEDING
TO CONSIDER AMENDMENTS TO GENERAL ORDER 95**

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**ORDER REGARDING PETITION 17-03-004
AND
ORDER INSTITUTING RULEMAKING PROCEEDING
TO CONSIDER AMENDMENTS TO GENERAL ORDER 95**

Summary

In response to Petition 17-03-004 filed by the Commission's Safety and Enforcement Division, this Order institutes a rulemaking proceeding to consider and possibly adopt the following amendments to General Order 95 ("GO 95"):

1. Amend Rule 44.2 of GO 95 to require an entity planning to attach facilities to a utility pole to ensure that the planned facilities do not reduce pole-loading safety factors below minimum required values.
2. Amend Rule 44.2 to define the "conservative values" that may be used in pole-loading calculations.
3. Amend Rules 54.7-A and 84.7-A to prohibit pole attachments from interfering with workers' fall-protection gear. Replace the existing Rule 94.6 with the amended Rules 54.7-A and 84.7-A or, alternatively, revise Rule 94.6 to refer to the amended Rules 54.7-A and 84.7-A.
4. Adopt a new Rule 49.1-C(2) that requires an entity planning to attach facilities to the top of an existing utility pole to perform a pole-overturning calculation to ensure that the planned pole-top facilities do not overturn the pole. Amend Rule 94.11 to refer to the new Rule 49.1-C(2).
5. Amend GO 95 to require pole owners and pole attachers to share information needed to perform valid pole-overturning calculations for planned pole-top attachments.
6. Amend GO 95 to require an entity that performed a pole-overturning calculation for attached pole-top facilities to retain the calculation for the service life of the pole.
7. Adopt a new Rule 49.1-C(3) that requires the length of a pole-top installation on a new pole to be added to the length of the pole when determining the minimum pole-setting depth required by Table 6 of GO 95.

The purpose of these proposed GO 95 amendments is to protect the safety and reliability of utility poles and all attached facilities. Interested parties will have an

opportunity to refine these proposed amendments to GO 95 and to recommend alternative proposed amendments.

1. Regulatory and Procedural Background

In Decision (“D.”) 16-01-046,¹ the California Public Utilities Commission (“Commission”) adopted several amendments to General Order 95 (“GO 95”)² regarding antenna installations on utility poles. The purpose of the GO 95 amendments adopted by D.16-01-046 is to protect safety and reliability. The following amendments adopted by D.16-01-046 are relevant to today’s Order:

- D.16-01-046 added Rule 94.6-C to GO 95. Among other things, the new Rule 94.6-C³ prohibits antenna installations from interfering with workers’ fall-restraint and fall-protection equipment (together, “fall-protection gear”). The new Rule 94.6-C includes a “Note” that lists three examples of antenna-related pole attachments “that might not interfere” with fall-protection gear.
- D.16-01-046 added Rule 94.11 to GO 95. The new Rule 94.11 requires a pole-overturning calculation before a pole-top antenna is attached to a pole. The new Rule 94.11 also specifies the minimum safety factors for this calculation.

The scope of the safety issues and GO 95 amendments adopted by D.16-01-046 was limited to antenna installations on utility poles. Nevertheless, the Commission in D.16-01-046 identified two safety issues associated with all types of pole attachments (not just antennas). First, the Commission noted a defect in the definition of “material increase in load” in Rule 44.2 that could negatively affect the safety of all types of pole

¹ D.16-01-046 was issued in Rulemaking 14-05-001 (*Rulemaking Regarding the Applicability of the Commission’s Right-of-Way Rules to Commercial Mobile Radio Service Carriers*).

² The purpose of GO 95 is “to formulate, for the State of California, requirements for overhead line design, construction, and maintenance, the application of which will ensure adequate service and secure safety to persons engaged in the construction, maintenance, operation or use of overhead lines and to the public in general.” (GO 95, Rule 11.)

³ The term “Rule” in today’s Order refers to rules in GO 95 unless otherwise indicated.

attachments.⁴ Second, the Commission determined that safety would be enhanced if two of the GO 95 amendments adopted by D.16-01-046 (i.e., new Rules 94.6-C and 94.11 summarized above) were applied to all types of pole attachments, not just antenna installations.⁵

In order to consider these safety-related matters more thoroughly, Ordering Paragraph 5 of D.16-01-046 directed the Commission's Safety and Enforcement Division ("SED") to file a petition to institute a rulemaking proceeding. Ordering Paragraph 5 ("OP 5") of D.16-01-046 states:

5. The Commission's Safety and Enforcement Division (SED) shall:
 - i. Evaluate whether the definition of "material increase" in Rule 44.2 of General Order (GO) 95 should be revised.
 - ii. Develop a proposed rule for inclusion in GO 95 that is similar to new Rule 94.6-C adopted by [D.16-01-046] with respect to interference with fall-protection gear, but which applies to all pole attachments. SED's proposed rule may modify or replace Rule 94.6-C adopted by [D.16-01-046].
 - iii. Develop a proposed rule for inclusion in GO 95 that is similar to new Rule 94.11 adopted by [D.16-01-046], but which applies to all pole-top installations. SED's proposed rule may modify or replace Rule 94.11 adopted by [D.16-01-046], and may apply to facilities other than pole-top installations.
 - iv. Confer with the GO 95 Rules Committee with respect to Items i., ii., and iii. above.
 - v. Within 12 months from the effective date of [D.16-01-046]... file a petition for rulemaking pursuant to Rule 6.3 of the Commission's Rules of Practice and Procedure. The petition shall seek to (A) revise the definition of "material increase" in Rule 44.2, and (B) add new rules to GO 95 as described in Item ii. and Item iii., above. SED may file the petition alone or with other parties. In lieu of including Item v.A in the petition, SED may file and serve notice in Rulemaking 14-05-001 that SED concludes, as a result of its evaluation performed pursuant to Item i., above, that no changes to Rule 44.2 are necessary.

⁴ D.16-01-046 at pages 60-61 and 134.

⁵ D.16-01-046 at pages 81, 110-112, 127, 135, and 136.

- vi. Serve the petition identified in Item v., above, on all entities listed in Order Instituting Rulemaking 15-05-006, Appendices B through E, and the service lists for Rulemaking (R.) 15-05-006, R.14-05-001, R.08-11-005, R.07-12-001, and R.05-02-023.

OP 5.iv directed SED to confer with the GO 95 Rules Committee⁶ regarding SED's proposed amendments to GO 95. In Petition 17-03-004, SED reports that it met with the GO 95 Rules Committee but little agreement was reached.

OP 5.v of D.16-01-046 ordered SED to file a petition for rulemaking within 12 months of the decision. SED requested, and the Commission's Executive Director granted, an extension of time to file the petition pursuant to Rule 16.6 of the Commission's Rules of Practice and Procedure.

In accordance with OP 5 of D.16-01-046, SED filed Petition 17-03-004 on March 7, 2017, pursuant to Rule 6.3 of the Commission's Rules of Practice and Procedure and California Public Utilities Code Section ("Pub. Util. Code §") 1708.5.⁷ In Petition 17-03-004, SED asks the Commission to institute a rulemaking proceeding to adopt several amendments to GO 95 that are contemplated by OP 5 of D.16-01-046. The text of SED's proposed amendments is provided in Appendix A of today's Order.

In accordance with OP 5.vi of D.16-01-046, SED served Petition 17-03-004 or a Notice of Availability of the Petition on:

- The service lists for Rulemaking (R.) 15-05-006, R.14-05-001, R.08-11-005, R.07-12-001, and R.05-02-023.
- All investor-owned electric utilities, all publicly owned electric utilities, and all rural electric cooperatives listed in Appendices B - D of Order Instituting Rulemaking ("OIR") 15-05-006.
- All facilities-based communications carriers authorized to operate in California listed in Appendix E of OIR 15-05-006.

⁶ The GO 95 Rules Committee consists of electric utilities, communication utilities, cable television corporations, trade associations, and labor unions. The GO 95 Rules Committee provides a forum to share information on GOs 95 and 128 and to develop consensus proposals to revise GOs 95 and 128. (D.15-01-005 at pages 2 – 3.)

⁷ Rule 6.3 of the Commission's Rules of Practice and Procedure and Pub. Util. Code § 1708.5 allow interested persons to petition the Commission to adopt, amend, or repeal a regulation.

Notice of Petition 17-03-004 appeared in the Commission's Daily Calendar on March 9, 2017. A response was filed on April 3, 2017, by a group of electric utilities consisting of PacifiCorp d/b/a/ Pacific Power, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company (together, the "Joint Electric Utilities").

On April 3, 2017, the assigned Administrative Law Judge (ALJ) issued a ruling that extended the deadlines to file responses and replies to May 5, 2017, and May 15, 2017, respectively. As allowed by the ALJ's ruling, a response was filed on May 5, 2017, by a coalition of communications infrastructure providers (together, "the CIP Coalition") consisting of the following entities: AT&T California; the California Cable and Telecommunications Association; Charter Fiberlink CA-CCO, LLC; Comcast Phone of California, LLC; Consolidated Communications of California Company; Cox Communications California, LLC and Cox California Telcom, LLC; Crown Castle NG West LLC; CTIA – the Wireless Association; Extenet Systems (California) LLC; Frontier Communications⁸; the Small Local Exchange Carriers ("Small LECs")⁹; Sprint¹⁰; Sunesys, LLC; T-Mobile West LLC d/b/a T-Mobile; Time Warner Cable Information Services (California) LLC; and Cellco Partnership d/b/a Verizon Wireless and MCI Communications Services, Inc.

SED filed a reply on May 15, 2017.

⁸ "Frontier Communications" refers to Citizens Telecommunications Company of California Inc. d/b/a Frontier Communications of California; Frontier Communications of the Southwest Inc.; and Frontier California Inc.

⁹ "The Small LECs" refers to 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.

¹⁰ "Sprint" refers to Sprint Telephony PCS, L.P.; Sprint Spectrum L.P. as agent for WirelessCo, L.P.; Nextel of California, Inc.; Sprint Communications Company L.P.; and Virgin Mobile USA, L.P. d/b/a Assurance Wireless.

2. Summary of Petition 17-03-004

In Petition 17-03-004, SED asks the Commission to institute a rulemaking proceeding to consider and adopt the following amendments to GO 95 in accordance with OP 5 of D.16-01-046.

2.1. Proposed Amendments to Rule 44.2 re: Definition of Material Increase in Load

D.16-01-046 ordered SED to evaluate whether the definition of “material increase in load” in Rule 44.2 of GO 95 should be revised. Rule 44.2 states:

Any entity planning the addition of facilities that ***materially increases loads*** on a structure shall perform a loading calculation to ensure that the addition of the facilities will not reduce the safety factors below the values specified by Rule 44.3. Such loading calculations shall be based on existing condition and proposed configuration, information provided under Rule 44.4, ***conservative values of relevant parameters***, industry recognized values of relevant parameters, or any combination thereof. For wood structures more than 15 years old, the loading calculation shall incorporate the results of intrusive inspections performed within the previous five years. Such entity shall maintain these loading calculations for the service life of the pole or other structure for which a loading calculation was made and shall provide such information to authorized joint use occupants and the Commission upon request.

Note: For the purpose of Rule 44.2, a ***material increase in load*** is an addition which increases the load on a structure by more than five percent per installation, or ten percent over a 12-month span, of the electric utility’s or Communication Infrastructure Provider’s current load. (Bold font, italics, and underline added.)

D.16-01-046 directed SED to evaluate Rule 44.2’s definition of “material increase in load” because of the Commission’s concern that the definition “does not address situations where (i) an increase in the attacher’s current load of less than 5% would

overload the pole; and (ii) an increase in an attacher's current load of less than 10% over a 12-month span would overload the pole.¹¹

SED agrees with the Commission's concern and raises two additional issues. First, SED states that Rule 44.2's definition of "material increase in load" does not address the possibility that the allowable 12-month increases in load could compound over time. Such compounding would increase the "current load" baseline in future years and illogically reduce the likelihood that a future attachment would trigger a loading calculation. Second, SED states that Rule 44.2's definition does not account for the possibility that there might be multiple attachers adding load over time. While each attacher might not cause a "material increase in load" under the definition, the combined increases of multiple attachers could overload a pole.

To address the Commission's and SED's concerns, SED proposes that the first sentence of Rule 44.2 be amended to read:

Any entity planning the addition of facilities ~~that materially increases loads on a structure shall perform a loading calculation to ensure that the addition of the facilities will not reduce the safety factors below the values specified by Rule 44.3.~~ (Deleted text shown with strikeout. There is no added text.)

SED observes that although Rule 44.2 allows loading calculations to use "conservative values of relevant parameters," D.16-01-046 placed an important condition on the use of "conservative values":

We emphasize, however, that the use of conservative values in load calculations should always result in equal or greater safety compared to the use of actual specifications in load calculations. (D.16-01-046 at page 60.)

¹¹ D.16-01-046 at page 61. The Commission emphasized that, "regardless of the definition of 'material increase' currently in Rule 44.2, both pole owners and pole attachers must ensure that new attachments do not overload poles." (*Ibid.*)

SED asserts that it would benefit safety to incorporate this condition explicitly into Rule 44.2. Therefore, to reflect all of SED's recommendations regarding Rule 44.2, SED proposes that the Rule be amended as follows:

Any entity planning the addition of facilities ~~that materially increases loads on a structure~~ shall ~~perform a loading calculation~~ to ensure that the addition of the facilities will not reduce the safety factors below the values specified by Rule 44.3. ~~Such~~ Any loading calculations that the entity performs to assess compliance of the addition with Rule 44.3 shall be based on existing condition and proposed configuration, information provided under Rule 44.4, conservative values of relevant parameters, industry recognized values of relevant parameters, or any combination thereof. For wood structures more than 15 years old, the loading calculation shall incorporate the results of intrusive inspections performed within the previous five years. Such entity shall maintain these loading calculations for the service life of the pole or other structure for which a loading calculation was made and shall provide such information to authorized joint use occupants and the Commission upon request.

Note: For the purpose of Rule 44.2, ~~a material increase in load is an addition which increases the load on a structure by more than five percent per installation, or ten percent over a 12-month span, of the electric utility's or Communication Infrastructure Provider's current load~~ conservative values are values that would result in equal or lower safety factors compared to use of actual specifications. (Deleted text shown with strikethrough. Added text shown with underline.)

2.2. Proposed Amendments to Rule 54.7-A, Rule 84.7-A, and Rule 94.6-C re: Fall-Protection Gear

D.16-01-046 added Rule 94.6-C to GO 95. The new Rule 94.6-C prohibits impairment of fall-restraint and fall-protection equipment (together, "fall-protection gear") by antenna installations on utility poles. OP 5.ii of D.16-01-046 instructed SED to "develop a proposed rule for inclusion in GO 95 that is similar to Rule 94.6-C adopted by [D.16-01-046] with respect to interference with fall-protection gear, but which applies to all pole attachments. SED's proposed rule may modify or replace Rule 94.6-C adopted by [D.16-01-046]."

To achieve the Commission's objective, SED proposes that the following sentence be inserted at the end of Rule 54.7-A and Rule 84.7-A:

Interference with fall-restraint and fall-protection equipment is not permitted. (Added text shown with underline.)

SED submits that with the addition of the above text to Rule 54.7-A and Rule 84.7-A, Rule 94.6-C is not needed and can be deleted. If Rule 94.6-C is retained, SED recommends that it be modified as follows:

Antennas and all associated attachments shall not ~~impair climbing space or~~ interfere with fall restraint and fall protection equipment or obstruct climbing space except as permitted by ~~the application of~~ Rule 54.7-A(3) or Rule 84.7-A(5).

~~Note: Examples of attachments that might not interfere with fall restraint and fall protection equipment include, but are not limited to, the following:~~

- ~~(1) Surface-mounted equipment that occupies no more than 18 inches of vertical space.~~
- ~~(2) Equipment stood off from the pole to maintain a minimum of 4 inches of clear space between the equipment and the pole.~~
- ~~(3) Appropriately designed and installed surface-mounted risers.~~ (Deleted text shown with strikethrough. Added text shown with underline.)

As shown above, SED proposes to eliminate the Note in Rule 94.6-C that contains examples of antenna-related pole attachments that “might not interfere” with fall-protection gear. SED asserts that a pole attachment either does or does not interfere with fall-protection gear. If it does interfere, then it would violate Rule 94.6-C. Thus, SED believes that Rule 94.6-C’s examples of pole attachments that “might not interfere” with fall-protection gear do not improve safety.

2.3. Proposed New Rules 49.1-C(2) and C(3), and Proposed Amendments to Rule 94.11 re: Pole Overturning

In D.16-01-046, the Commission recognized that the installation of antennas on the top of utility poles (“pole-top antenna installations”) increases the risk that a pole might overturn. To address this risk, D.16-01-046 adopted new Rule 94.11, which states as follows:

Rule 94.11 Pole Overturning Calculation

A pole overturning calculation shall be performed before a pole-top antenna installation is added to a pole. The calculation shall use a safety

factor of 3.0 for Grade A construction, and 2.0 for Grades B and C construction, and incorporate loads for the entire pole structure, including all existing attachments and guys (if any), and all elements of the planned pole-top antenna installation. After the installation, the safety factor shall comply with Rule 44.3.

Note: The purpose of this calculation is to ensure that the pole overturning moment does not exceed the capacity of the soil, rock, or other material in which the pole is embedded to resist the pole overturning moment.

The Commission further recognized in D.16-01-046 that all pole-top installations, not just antennas, increase the risk of pole overturning. As a result, OP 5.iii of D.16-01-046 directed SED to develop a proposed rule that is similar to Rule 94.11 adopted by D.16-01-046, but which applies to all pole-top installations.

To achieve the Commission's objective with respect to pole-top installations (including antennas) that are added to existing poles, SED proposes that the current content of Rule 49.1-C be renumbered as subsection (1) and that the following new subsection (2) be added after Table 6:

(2) A pole overturning calculation shall be performed before a pole-top installation (including a pole-top extension or a pole-top installation of facilities such as antennas) is added to an existing pole. The pole overturning calculation shall use a safety factor of 3.0 for Grade A construction, and 2.0 for Grades B and C construction, and incorporate loads for the entire pole structure, including all existing attachments and guys (if any), and all elements of the planned pole-top installation. If needed, deeper settings or other special methods shall be used to provide at a minimum these safety factors. After installation of a pole-top extension or other facilities, the pole-overturning safety factor shall not be reduced below a safety factor of 3.0 for Grade A construction, and 2.0 for Grades B and C construction.

Note: The purpose of the pole-overturning calculation is to ensure that the pole-overturning moment does not exceed the capacity of the soil, rock or other material in which the pole is embedded to resist the pole-overturning moment. (Added text shown with underline.)

SED posits that because pole overturning is a serious safety issue, it would be beneficial to provide parties an opportunity to discuss safety factors and methodologies for pole-overturning calculations during a workshop, and to recommend refinements to SED's proposed Rule 49.1-C(2), if appropriate.

To achieve the Commission's objective with respect to pole-top installations (including antennas) that are attached when a new or replacement pole is set, SED proposes that the following subsection (3) be added to Rule 49.1-C:

(3) If a pole-top installation is included when a new or replacement pole is set, the length of the pole-top installation shall be added to the length of the pole to determine the applicable minimum pole setting depth in Table 6. (Added text shown with underline.)

SED also proposes that Rule 49.1-C be amended so that the provisions in Rules 44.2 and 44.4 regarding the retention of records and inter-utility cooperation for pole-loading calculations apply equally to pole-overturning calculations. Alternatively, Rule 44 and its subparts could be expanded to apply to pole-overturning calculations. SED recommends that such drafting issues be addressed in workshops.

With the above proposed changes to Rule 49.1-C, SED recommends that Rule 94.11 be modified as follows:

Any entity planning a pole-top antenna installation on an existing pole shall include all elements of the planned pole-top installation in the A pole-overturning calculation required by Rule 49.1-C(2). ~~shall be performed before a pole-top antenna installation is added to a pole. The calculation shall use a safety factor of 3.0 for Grade A construction, and 2.0 for Grades B and C construction, and incorporate loads for the entire pole structure, including all existing attachments and guys (if any), and all elements of the planned pole-top antenna installation. After the installation, the safety factor shall comply with Rule 44.3.~~

~~Note: The purpose of this calculation is to ensure that the pole overturning moment does not exceed the capacity of the soil, rock or other material in which the pole is embedded to resist the pole overturning moment. (Deleted text shown with strikethrough. Added text shown with underline.)~~

2.4. Disposition of SED's Proposed Rule 94.3-D

In D.16-01-046, the Commission declined to adopt SED's proposed new Rule 94.3-D that would have required a pole-loading calculation prior to the installation of any antennas and associated equipment.¹² However, OP 6 of D.16-01-046 authorized SED to resubmit its proposed Rule 94.3-D or an amended version of the proposed rule. In Petition 17-03-004, SED states that it does not propose any modifications to Rule 94.3 at this time.

3. Summary of Responses and SED's Reply

3.1. CIP Coalition's Response to Petition 17-03-004

The CIP Coalition recommends that if the Commission institutes a rulemaking proceeding to consider SED's proposed amendments to GO 95, the Commission should (1) provide an opportunity for parties to submit alternatives to SED's proposed GO 95 amendments, and (2) convene workshops to consider all of SED's proposed amendments and any alternative proposed amendments.

The CIP Coalition states that it has identified several issues regarding SED's proposed amendments to GO 95 that would benefit from workshops where parties could discuss and refine SED's proposals. For example, SED's proposed amendments to Rule 44.2 appear to require a pole-loading calculation for every new pole attachment, including attachments that have an insignificant impact on pole loading. Further, SED's proposal to eliminate the examples in Rule 94.6-C of pole attachments that "might not interfere" with fall-protection gear requires careful evaluation because of the helpful guidance these examples provide to attachers and pole owners.

3.2. Joint Electric Utilities' Response to Petition 17-03-004

The Joint Electric Utilities report that after D.16-01-046 was issued, the GO 95 Rules Committee developed proposed revisions to GO 95 in accordance with OP 5.iv of

¹² Rule 44.2 of GO 95 requires a loading calculation for every planned addition to a utility pole or other support structure that would materially increase the load on the structure.

D.16-01-046.¹³ The Joint Electric Utilities are all members of the GO 95 Rules Committee. The Joint Electric Utilities state that the GO 95 Rules Committee shared its proposed GO 95 amendments with SED and discussed these amendments with SED at a relatively high level. On the other hand, the Joint Electric Utilities assert that SED did not share its proposed amendments with the GO 95 Rules Committee prior to filing Petition 17-03-004.

The Joint Electric Utilities raise several concerns with SED's proposed amendments to GO 95. For example, SED's proposed amendments to Rule 44.2 appear to duplicate the purpose of Rule 44.3; and SED's proposed amendments to Rule 94.6-C leave out references in GO 95 where interference with fall-protection gear is permitted.

The Joint Electric Utilities encourage the Commission to hold workshops to discuss all GO 95 amendments, including the alternative amendments developed by the GO 95 Rules Committee. The Joint Electric Utilities' Response does not describe the alternative proposed amendments developed by the GO 95 Rules Committee or provide the text of these alternative proposed amendments.

3.1. SED's Reply to the Responses

SED replies that although the Responses raised concerns about SED's proposed amendments to GO 95, the Responses did not object to opening a rulemaking proceeding. SED suggests that the rulemaking proceeding is the proper forum to address parties' concerns with SED's proposals.

SED agrees with the Responses that (1) workshops should be held, and (2) other parties should have an opportunity to submit alternative proposed amendments to GO 95. SED emphasizes that any alternate proposals should not reduce safety or reliability. SED raises this issue because when SED conferred with the GO 95 Rules Committee, it appeared to SED that the Committee's conceptual proposals would reduce safety.

¹³ OP 5.iv ordered SED to confer with the GO 95 Rules Committee regarding the proposed amendments to GO 95 that SED is directed to develop by OP 5.

SED interprets the Joint Electric Utilities' Response as implying that the GO 95 Rules Committee provided the text of its draft GO 95 amendments to SED. SED states that it did not receive any text. SED agrees, however, that the GO 95 Rules Committee and SED discussed potential GO 95 amendments "at a relatively high level."¹⁴

4. Discussion

We conclude for the following reasons that it is in the public interest to institute a rulemaking proceeding to consider and possibly adopt SED's proposed GO 95 amendments set forth in Petition 17-03-004, with one exception discussed below. First, the purpose of SED's proposed GO 95 amendments is to protect safety and reliability. As such, SED's proposed amendments advance the Commission's policy to continually assess and reduce the safety risks posed by the utilities that we regulate.¹⁵

Second, D.16-01-046 ordered SED to develop proposed GO 95 amendments to address specified safety issues, and to submit these proposed GO 95 amendments to the Commission via a petition to institute a rulemaking proceeding.¹⁶ The specified safety issues are summarized below:

- Correct a defect in Rule 44.2's definition of "material increase in load." This definition controls when a loading calculation is required for planned additions to an existing utility pole. However, as noted in D.16-01-046, Rule 44.2's current definition of "material increase in load" allows additions to occur, without a loading calculation, in certain situations where additions would overload the pole. D.16-01-046 directed SED to propose an amended definition that corrects this defect.¹⁷

¹⁴ Joint Electric Utilities' Response at page 2.

¹⁵ *Safety Policy Statement of the California Public Utilities Commission*, dated July 10, 2014, at page 1. The Commission's *Safety Policy Statement* is available at: http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Safety/VisionZero4Final621014_5_2.pdf

¹⁶ D.16-01-046 at OP 5.

¹⁷ As an interim remedy to Rule 44.2's defective definition of "material increase in load," the Commission held in D.16-01-046 that "regardless of the definition of 'material increase' currently in

Footnote continued on next page

- Prohibit interference with workers' fall-protection gear. Rule 94.6-C adopted by D.16-01-046 protects worker safety by prohibiting interference with fall-protection gear by antenna-related pole attachments. D.16-01-046 directed SED to develop a proposed GO 95 rule that is similar to Rule 94.6-C adopted by D.16-01-046, but which applies to all pole attachments (not just antenna installations).¹⁸
- Require a pole-overturning calculation for all pole-top installations. Rule 94.11 adopted by D.16-01-046 protects safety and reliability by requiring a pole-overturning calculation before a pole-top antenna installation is added to a pole. Rule 94.11 also specifies the minimum safety factors for pole-top antenna installations with respect to pole overturning. D.16-01-046 directed SED to develop a proposed GO 95 rule that is similar to Rule 94.11 adopted by D.16-01-046, but which applies to all pole-top installations (not just antenna installations).

It is reasonable to institute a rulemaking proceeding to consider SED's proposed amendments to GO 95 in order to complete the Commission's plan in D.16-01-046 for addressing the above-specified safety issues. Conversely, if a rulemaking proceeding is not instituted, the above-specified safety issues will not be addressed for an indefinite period of time, with potential adverse consequences for safety and reliability.

Finally, SED's other proposed amendments to GO 95, while not required by D.16-01-046, are reasonably related to the proposed GO 95 amendments that SED was ordered to develop and submit by D.16-01-046. These other proposed amendments are summarized in Section 3 of today's Order.

The one exception to our considering all of SED's proposed amendments to GO 95 is SED's proposal to eliminate the "Note" in Rule 94.6-C (as part of SED's other proposed amendments to Rule 94.6-C).¹⁹ This Note, which lists several examples of antenna-related pole attachments "that might not interfere" with fall-protection gear, was

Rule 44.2, both pole owners and pole attachers must ensure that new attachments do not overload poles." (D.16-01-046 at page 61.)

¹⁸ D.16-01-046 at page 81.

¹⁹ SED proposes that Rule 94.6-C either be deleted or amended. The proposed amendments include the elimination of the "Note" in Rule 94.6-C.

litigated in R.14-05-001 and adopted by the Commission in D.16-01-046.²⁰ SED has not identified any safety issues associated with this Note. Therefore, we see no need to reconsider the Note.

The scope of the rulemaking proceeding instituted by today's Order is described in more detail below. Today's Order does not decide any issues within the scope of this proceeding, including whether SED's proposed amendments to GO 95 that are within the scope of this proceeding should be adopted.

5. Order Instituting Rulemaking Proceeding

For the preceding reasons, we hereby institute a rulemaking proceeding pursuant to Pub. Util. Code § 1708.5(b)(1).²¹ This Order Instituting Rulemaking ("OIR") contains a preliminary scoping memo pursuant to Rule 7.1(d) of the Commission's Rules of Practice and Procedure (hereafter, "Commission's Rules") that sets forth the issues and schedule for this rulemaking proceeding, preliminarily determines the category of this proceeding and the need for hearings, and addresses other matters that are typically the subject of preliminary scoping memos.

5.1. Preliminary Scoping Memo

5.1.1. Scope

The fundamental purpose of this rulemaking proceeding is to protect the safety and reliability of overhead utility facilities. The specific scope of this rulemaking proceeding is to consider and possibly adopt the following amendments to GO 95 proposed by SED in Petition 17-03-004:

1. Amend Rule 44.2 to require an entity planning to add facilities to a utility pole or other support structure to ensure that the added facilities do not reduce safety factors below the minimum values specified in Rule 44.3.

²⁰ D.16-01-046 at pages 74-76, 79, and 127.

²¹ Pub. Util. Code § 1708.5(b)(1) states: "The commission shall consider a petition and, within six months from the date of receipt of the petition, either deny the petition or institute a proceeding to adopt, amend, or repeal the regulation."

2. Amend Rule 44.2 to define the “conservative values” that may be used in loading calculations performed to assess whether the planned addition of facilities to a utility pole or other support structure meets the minimum values for safety factors specified in Rule 44.3.
3. Amend Rules 54.7-A and 84.7-A to prohibit interference with fall-protection gear by all types of pole attachments. Replace the existing Rule 94.6 with the amended Rules 54.7-A and 84.7-A or, alternatively, revise Rule 94.6 to refer to the amended Rules 54.7-A and 84.7-A.
4. Adopt a new Rule 49.1-C(2) that requires a pole-overturning calculation before any pole-top attachment is added to an existing pole. Revise the existing Rule 94.11 to refer to the new Rule 49.1-C(2).
5. Apply to the pole-overturning calculations required by proposed new Rule 49.1-C(2) the existing provisions in Rules 44.2²² and 44.4²³ regarding the retention of records and inter-utility cooperation for pole-loading calculations.
6. Adopt a new Rule 49.1-C(3) that requires the length of a pole-top installation on a new pole or replacement pole to be added to the length of the pole to determine the minimum pole-setting depth in Table 6 of GO 95.
7. Adopt ancillary non-substantive amendments to GO 95 that are necessary to integrate any adopted amendments into GO 95. Ancillary non-substantive amendments may include, for example, revisions to GO 95’s index, several tables of content, and internal cross references.

²² Rule 44.2 states in relevant part: “Any entity planning the addition of facilities that materially increases loads on a structure shall perform a loading calculation... Such entity shall maintain these loading calculations for the service life of the pole or other structure for which a loading calculation was made and shall provide such information to authorized joint use occupants and the Commission upon request.”

²³ Rule 44.4 states in relevant part: “All entities with facilities on the subject pole shall cooperate with the company performing the load calculations [by]... promptly providing or making reasonably available, upon request and to the extent it exists, the following: (A.) The most recent intrusive pole test data; (B.) Any information regarding its facilities necessary to perform a pole loading calculation that is not readily available to the company performing the pole loading calculations through a field visit; and (C.) A table of standard input values used by the Responding Company in pole loading calculations (e.g., standard conductor or cable sizes, tension values, and equipment sizes and weights).”

SED provided text for most, but not all, of its proposed amendments to GO 95 that are within the scope of this proceeding. The text of SED's proposed amendments, to the extent provided, is set forth in Appendix A of this OIR.

As set forth in Item 3, above, the scope of this proceeding includes SED's proposal to either delete Rule 94.6-C or amend Rule 94.6-C. All of SED's proposed amendments to Rule 94.6-C are within the scope of this proceeding, with one exception. SED's proposal to eliminate the Note in Rule 94.6-C,²⁴ in conjunction with SED's other proposed amendments to Rule 94.6-C, is excluded from the scope of this proceeding.²⁵

The scope of this proceeding includes refinements and alternatives to SED's proposed amendments to GO 95.²⁶ Any refinements and alternatives must have a direct nexus to SED's proposed amendments to GO 95 that are within the scope of this proceeding. Refinements and alternatives that reduce safety and/or reliability are outside the scope of this proceeding.

The assigned Commissioner may interpret and refine the scope of this proceeding, as necessary. Pursuant to Rule 6.3(a) of the Commission's Rules, any amendments to GO 95 adopted in this proceeding will apply prospectively.

5.1.2. Category and Need for Hearings

Pursuant to Rule 7.1(d) of the Commission's Rules, we preliminarily determine that the category for this rulemaking proceeding is quasi-legislative as that term is defined in Rule 1.3(d), and that there is no need for hearings in this proceeding. As permitted by Rule 6.2 of the Commission's Rules, parties may address these preliminary

²⁴ The Note in Rule 94.6-C lists examples of antenna-related pole attachments that "might not interfere" with workers' fall-protection gear.

²⁵ To be clear, the scope of this proceeding includes SED's proposal to delete all of Rule 94.6-C, including the Note. What is excluded from the scope of this proceeding is SED's alternate proposal to amend Rule 94.6-C to eliminate the Note. SED's other alternate proposed amendments to Rule 94.6-C are in scope.

²⁶ Consistent with SED's recommendation in Petition 17-03-004 at page 11, the scope of proposed refinements includes adjustments to the methodology and safety factors for pole-overturning calculations adopted by D.16-01-046 and embedded in SED's proposed Rule 49.1-C(2).

determinations in their written comments that are submitted in accordance with the schedule in Section 6.1.3 of this OIR. The assigned Commissioner will make a final determination regarding the category of this proceeding and the need for hearings in a scoping memo issued pursuant to Rules 7.1(d) and 7.3(a) of the Commission's Rules.

Parties are reminded that Pub. Util. Code § 1708.5(f) authorizes the Commission to “conduct any proceeding to adopt, amend, or repeal a regulation using notice and comment rulemaking procedures, without an evidentiary hearing, except with respect to a regulation being amended or repealed that was adopted after an evidentiary hearing, in which case the parties to the original proceeding shall retain any right to an evidentiary hearing accorded by Section 1708.” None of the proposed amendments to GO 95 that are within the scope of this proceeding would amend or repeal an existing regulation that was adopted after an evidentiary hearing. Therefore, the Commission may conduct this proceeding without an evidentiary hearing pursuant to Pub. Util. Code § 1708.5(f). Nonetheless, we will allow parties to request an evidentiary hearing as set forth in Section 6.1.3 of this OIR. The assigned Commissioner may choose to hold a hearing, if warranted.

5.1.3. Schedule and Written Comments

The preliminary schedule for this rulemaking proceeding is set forth below. The assigned Commissioner and/or the assigned ALJ may revise the schedule to develop an adequate record, conduct this proceeding in an orderly and efficient manner, and achieve a fair resolution of this proceeding.

Preliminary Schedule for the Rulemaking Proceeding		
Row	Event	Day (Counted from the Issuance Date of this OIR)¹
1.	SED and other parties confer regarding the proceeding schedule, with the goal of reaching a joint recommendation.	Completed by Day 30 ¹
2.	Combined Comments and Prehearing Conference Statements Filed and Served.	Day 40 ¹
3.	Prehearing Conference (PHC).	To Be Determined
4.	Workshops, Workshop Report, Additional Written Comments, Etc.	To Be Determined
5.	Motions for Evidentiary Hearings.	To Be Determined
6.	Hearings, if Warranted.	To Be Determined
7.	Projected Submission Date (if applicable).	To Be Determined
1. The issuance date is on page 1 of this Order, at the upper right corner.		

In Row 2 of the above schedule, the combined comments and PHC statements due on Day 40 shall:

1. Address the matters in Rule 6.2 of the Commission’s Rules, including any objections to the preliminary scoping memo regarding the category of this proceeding, need for hearings, issues to be considered, and/or the schedule. Comments that include factual assertions must be verified in accordance with Rule 1.11 of the Commission’s Rules.
2. For parties other than SED, state whether the party intends to present refinements and/or alternatives to the proposed GO 95 amendments that are contained in Appendix A of this OIR and, if so, briefly summarize each of the party’s anticipated refinements and/or alternative proposed amendments.
3. Provide a detailed schedule and recommended procedures for considering and possibly adopting (A) SED’s proposed amendments to GO 95 that are contained in Appendix A of this OIR, and (B) other parties’ refinements and alternative proposed amendments to GO 95. The schedule shall include dates or timeframes for:

- A. Parties to submit the text for refined and alternative proposed amendments to GO 95 (including SED's conceptual proposed amendments for which SED did not provide recommended text).
 - B. Workshops to discuss and evaluate all proposed GO 95 amendments, refinements, and alternatives that are within the scope of this proceeding.
 - C. Workshop report.
 - D. Comments and reply comments on the workshop report.
 - E. Motions for evidentiary hearings (if any) and responses.
4. Provide a detailed plan for conducting publicly noticed workshops. The plan shall include:
- A. Any pre-workshop documents that parties should serve (or otherwise distribute to the service list) prior to the workshops (e.g., the text of refined and alternative proposed amendments to GO 95, and a rationale for the proposed refinements and alternatives).
 - B. The structure and format of the workshops (e.g., a designated person leads a discussion of the text for each proposed amendment to GO 95 in Appendix A of this OIR and each related refinement and alternative).
 - C. The specific product(s) of the workshops (e.g., a workshop report that contains the final text of all proposed amendments to GO 95, including ancillary amendments to GO 95's index, tables of content, etc.).
 - D. The anticipated date(s) and location(s) of workshops.
 - E. The identity of the parties who will serve notice of the workshops and place notice of the workshops in the Commission's Daily Calendar.
 - F. The identity of the parties who will arrange, host, and run the workshops.
 - G. Anticipated means for parties to participate in the workshops (e.g., in-person attendance, WebEx, toll-free and/or conference call).
 - H. The identity of the parties who will prepare, file, and serve the workshop report.

To receive service of the combined comments and PHC statements in Row 2 of the above schedule, interested persons should request placement on the Official Service List for this proceeding as described in Section 6.1.7 of this OIR.

In Row 3 of the above schedule, the assigned Commissioner or the assigned ALJ will schedule a PHC as soon as practicable.

Consistent with Pub. Util. Code § 1701.5(a), we intend to complete this proceeding within 18 months from the date this proceeding was initiated. The final schedule for this proceeding will be established by the assigned Commissioner's scoping memo issued pursuant to Rule 7.3(a) of the Commission's Rules. In accordance with Pub. Util. Code § 1701.5(b), the scoping memo may set a completion date for this proceeding that is later than 18 months from the date this proceeding was initiated if the scoping memo explains the necessity for a later date and the assigned Commissioner approves the later date.

5.1.4. Public Notice of Workshops

All workshops in this proceeding shall be open to the public and noticed on the Commission's Daily Calendar. Such notice shall inform the public that a decisionmaker or an advisor may be present at the workshop. Parties shall check the Daily Calendar regularly for such notices.

5.1.5. Ex Parte Communications

This rulemaking proceeding is preliminarily categorized as quasi-legislative. In a quasi-legislative proceeding, *ex parte* communications with the assigned Commissioner, other Commissioners, their advisors, and the ALJ are permitted without restriction or reporting as described in Pub. Util. Code § 1701.4(c) and Article 8 of the Commission's Rules.

Pursuant to Rule 8.5(b) of the Commission's Rules, the applicable rules for *ex parte* communications in a quasi-legislative proceeding apply until the date of the assigned Commissioner's scoping memo that finalizes the proceeding's category pursuant to Rule 7.3(a) of the Commission's Rules. The assigned Commissioner's

scoping memo will establish the applicable rules for *ex parte* communications beginning on the date the scoping memo is issued.

5.1.6. Intervenor Compensation

Pursuant to Pub. Util. Code § 1804(a)(1) and Rule 17.1 of the Commission's Rules, a customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation no later than 30 days after the date of the PHC or as otherwise directed by the assigned Commissioner or the assigned ALJ.

5.1.7. Official Service List

The Official Service List for Petition 17-03-004 will be the initial Official Service List for the rulemaking proceeding instituted by this OIR. Thus, any person or entity that is listed in the Party category, State Service category, or Information Only category on the Official Service List for Petition 17-03-004 will transfer to the same category on the Official Service List for this rulemaking proceeding. Henceforth, additions to the Party category on the Official Service List for this rulemaking proceeding will be governed by Rule 1.4 of the Commission's Rules.

Persons who are not parties but wish to receive electronic service of documents filed in this proceeding may contact the Commission's Process Office at process_office@cpuc.ca.gov for placement on the Official Service List pursuant to Rule 1.9(f) in the "Information Only" category or the "State Service" category, as appropriate.

The Official Service List for this rulemaking proceeding is available on the Commission's web site. Each person and entity on the Official Service List is responsible for ensuring that their information on the Official Service List is correct and up-to-date. This information can be corrected and updated by sending an e-mail to the Process Office.

5.1.8. Filing and Serving Documents

Information about procedures for electronic filing of documents at the Commission is available at www.cpuc.ca.gov/PUC/efiling. All documents formally filed

with the Commission's Docket Office must include the Docket Office's approved caption for this rulemaking proceeding.

This proceeding will follow the electronic service protocols in Rule 1.10 of the Commission's Rules. All parties in this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m. on the date scheduled for service.²⁷ Additionally, Rule 1.10(e) requires service on the assigned ALJ of both an electronic copy and a paper copy of documents that are filed and/or served.

When serving a document, each party must use the current Official Service List on the Commission's website. The format of served documents must comply with the requirements in Rules 1.5 and 1.6 of the Commission's Rules.

5.1.9. Discovery

Parties may conduct discovery consistent with Article 10 of the Commission's Rules. Any party issuing or responding to a discovery request shall serve a copy of the request or response simultaneously on all parties. Electronic service under Rule 1.10 of the Commission's Rules is sufficient, except Rule 1.10(e) does not apply to the service of discovery requests and responses. Discovery requests and responses shall not be served on the assigned ALJ.

Parties may determine deadlines for discovery responses. Motions to limit or compel discovery shall comply with Rule 11.3 of the Commission's Rules.

5.1.10. Public Advisor

Anyone interested in participating in this proceeding who is unfamiliar with the Commission's procedures may obtain more information by visiting the Commission's website at <http://consumers.cpuc.ca.gov/pao>; by e-mailing the Commission's Public Advisor at public.advisor@cpuc.ca.gov; or by calling the Public Advisor at 866-849-8390, 415-703-2074, or 866-836-7825 (TTY).

²⁷ If no e-mail address is provided, service should be made by first class mail. Parties are expected to provide paper copies of served documents upon request.

5.1.11. Public Utilities Code Section 1711(a)

Pub. Util. Code § 1711(a) states:

Where feasible and appropriate, except for adjudication cases, before determining the scope of the proceeding, the commission shall seek the participation of those who are likely to be affected, including those who are likely to benefit from, and those who are potentially subject to, a decision in that proceeding. The commission shall demonstrate its efforts to comply with this section in the text of the initial scoping memo of the proceeding.

In order to notify and seek the participation of those who might be affected by the amendments to GO 95 that may be adopted in this rulemaking proceeding, we will direct the Commission's Executive Director to serve a notice of availability ("NOA") of this OIR on the following:

- The service lists for Investigation ("I.") 17-06-027, R.17-06-028, R.17-03 009, R.16-12-001, R.15-05-006, and R.14-05-001.
- All incumbent local exchange carriers and competitive local exchange carriers that have a certificate of public convenience and necessity ("CPCN") issued by the Commission to provide full facilities-based or limited facilities-based local exchange service.
- All commercial mobile radio service ("CMRS") carriers that have a CPCN or Wireless Information Registration issued by the Commission to provide facilities-based CMRS.
- All California investor-owned electric utilities, publicly owned load-serving electric utilities, and rural electric cooperatives listed in Appendix B of this OIR.

The Executive Director's service of the NOA of this OIR does not confer party status in this rulemaking proceeding or result in any person or entity being added to the Official Service List for this proceeding.

To further comply with Pub. Util. Code § 1711(a), today's OIR directs the Commission's Outreach Office ("COO") to conduct such outreach as the COO deems necessary to seek the participation of those who are likely to be affected by this rulemaking proceeding.

We find that the requirements of Pub. Util. Code § 1711(a) with respect to this OIR's preliminary scoping memo are satisfied by (i) SED's service of Petition 17-03-004 that is summarized in Section 2 of today's Order, (ii) the notice of Petition 17-03-004 that appeared in the Commission's Daily Calendar, (iii) the Executive Director's service of the NOA of this OIR, and (iv) the outreach that the COO will conduct pursuant to this OIR.

6. Comments on the Proposed Order

The proposed order in this matter was mailed to the parties in accordance with Pub. Util. Code §§ 311 and 1708.5(b)(2), and comments were allowed pursuant to Rule 14.3 of the Commission's Rules. Comments were filed on _____, by _____. Reply comments were filed on _____, by _____.

7. Assignment of the Proceeding

For Petition 17-03-004, Michael Picker is the assigned Commissioner and Timothy Kenney is the assigned ALJ.

Findings of Fact

1. It is the Commission's policy to continually assess and reduce the safety risks posed by utilities that are regulated by the Commission.
2. Decision 16-01-046 identified several safety issues associated with pole attachments, ordered SED to develop proposed amendments to GO 95 to address these safety issues, and ordered SED to file a petition to institute a rulemaking proceeding to consider and possibly adopt the proposed amendments to GO 95 developed by SED. SED complied by filing Petition 17-03-004.
3. The safety and reliability of overhead utility facilities may be enhanced by instituting a rulemaking proceeding to consider and possibly adopt SED's proposed amendments to GO 95 that are set forth in Petition 17-03-004, with the exception of SED's proposal to eliminate the Note in Rule 94.6-C.
4. There is no need at this time to reconsider the Note in Rule 94.6-C.

Conclusions of Law

1. It is in the public interest to institute a rulemaking proceeding to consider and possibly adopt SED's proposed amendments to GO 95 set forth in Petition 17-03-004, with one exception. SED's proposal to amend Rule 94.6-C to eliminate the Note in Rule 94.6-C should not be considered for the reasons set forth in Section 5 of today's Order.

2. The Official Service List for Petition 17-03-004 should constitute the initial Official Service List for the rulemaking proceeding instituted by this Order.

3. The Executive Director should serve a NOA of this OIR on the following:

- a. The service lists for I.17-06-027, R.17-06-028, R.17-03-009, R.16-12-001, R.15-05-006, and R.14-05-001.
- b. All incumbent local exchange carriers and competitive local exchange carriers that have a CPCN issued by the Commission to provide full facilities-based or limited facilities-based local exchange service.
- c. All CMRS carriers that have a CPCN or Wireless Information Registration to provide facilities-based CMRS.
- d. All California investor-owned electric utilities, publicly owned load-serving electric utilities, and rural electric cooperatives listed in Appendix B of this OIR.

4. The Commission's Outreach Office ("COO") should conduct such other outreach as the COO deems necessary to seek the participation of those who might be affected by the rulemaking proceeding instituted by this Order.

5. The requirements of Pub. Util. Code § 1711(a) with respect to the preliminary scoping memo for this rulemaking proceeding are satisfied by (i) the service of Petition 17-03-004, (ii) the notice of Petition 17-03-004 in the Daily Calendar, (iii) the service of a NOA of today's OIR as set forth in Conclusion of Law 3, and (iv) the outreach set forth in Conclusion of Law 4.

6. Petition 17-03-004 should be granted to the extent set forth in the previous Conclusions of Law.

7. The following Order should be effective immediately to comply with the six-month statutory deadline for acting on Petition 17-03-004 set forth in Pub. Util. Code § 1708.5(b).

Therefore, **IT IS ORDERED** that:

1. A rulemaking proceeding is instituted to consider and possibly adopt the following amendments to the Commission's General Order 95 ("GO 95"):

- a. The proposed amendments to GO 95 set forth in Appendix A of this Order.
- b. Refinements and alternatives to the proposed amendments to GO 95 in Appendix A of this Order.
- c. Ancillary non-substantive amendments to GO 95 that are necessary to integrate into GO 95 any amendments that are adopted pursuant to Ordering Paragraphs 1.a and 1.b.

2. The scope of this rulemaking proceeding is set forth in Ordering Paragraph 1 and Section 6.1.1 of this Order. The assigned Commissioner may refine the scope of the rulemaking proceeding instituted by this Order.

3. The preliminary category for this rulemaking proceeding is quasi-legislative as that term is defined in Rule 1.3(d) of the Commission's Rules of Practice and Procedure. There is no preliminary need for an evidentiary hearing in this rulemaking proceeding.

4. The preliminary schedule for this rulemaking proceeding is set forth in Section 6.1.3 of this Order. The assigned Commissioner and/or the assigned Administrative Law Judge may modify the schedule to develop an adequate record, conduct this proceeding in an orderly and efficient manner, and achieve a fair resolution of this proceeding.

5. Until the date of the assigned Commissioner's scoping memo that finalizes the category of this rulemaking proceeding pursuant to Rule 7.3 of the Commission's Rules of Practice and Procedure (Rules), *ex parte* communications are permitted in this proceeding without restriction or reporting as described in Public Utilities Code Section 1701.4(c) and Article 8 of the Commission's Rules.

6. The Executive Director shall serve a Notice of Availability of this Order Instituting Rulemaking (“OIR”) on the following:

- a. The service lists for Investigation 17-06-027, Rulemaking (“R.”) 17-06-028, R.17-03-009, R.16-12-001, R.15-05-006, and R.14-05-001.
- b. All incumbent local exchange carriers and competitive local exchange carriers that have a certificate of public convenience and necessity (“CPCN”) issued by the Commission to provide full facilities-based or limited facilities-based local exchange service.
- c. All commercial mobile radio service (“CMRS”) carriers that have a CPCN or Wireless Information Registration issued by the Commission to provide facilities-based CMRS.
- d. All California investor-owned electric utilities, publicly owned load-serving electric utilities, and rural electric cooperatives listed in Appendix B of this OIR.

7. The service of a Notice of Availability of this Order Instituting Rulemaking does not confer party status in this rulemaking proceeding or placement on the Official Service List for this rulemaking proceeding.

8. The Commission’s Outreach Office (“COO”) shall conduct such outreach as the COO deems necessary to seek the participation of those who are likely to be affected by the rulemaking proceeding instituted by this Order.

9. The Official Service List for Petition 17-03-004 shall constitute the initial Official Service List for the rulemaking proceeding instituted by this Order. Henceforth, additions to the Party category on the Official Service List for this rulemaking proceeding shall be governed by Rule 1.4 of the Commission’s Rules of Practice and Procedure. Additions to the State Service and Information Only categories shall be governed by Rule 1.9(f).

10. Any person may file combined comments and prehearing conference (“PHC”) statements. The schedule and scope of the combined comments and PHC statements is set forth in the body of this Order at Section 6.1.3.

11. The deadline in this rulemaking proceeding to file and serve notices of intent to claim intervenor compensation is 30 days after the date of the prehearing conference or as otherwise directed by the assigned Commissioner or the assigned Administrative Law Judge.

12. Petition 17-03-004 is granted to the extent set forth in the previous Ordering Paragraphs.

13. Petition 17-03-004 is closed.

This Order is effective today.

Dated _____, at San Francisco, California.

**Appendix A: SED's Proposed Amendments to General Order 95
That Are Within the Scope of this Proceeding**

1. Proposed Amendments to Rule 44.2 re: Material Increase in Load

Added text shown with underline. Deleted text shown with strikeout.

Any entity planning the addition of facilities ~~that materially increases loads on a structure~~ shall ~~perform a loading calculation~~ to ensure that the addition of the facilities will not reduce the safety factors below the values specified by Rule 44.3. ~~Such~~ Any loading calculations ~~that the entity performs to assess compliance of the addition with Rule 44.3~~ shall be based on existing condition and proposed configuration, information provided under Rule 44.4, conservative values of relevant parameters, industry recognized values of relevant parameters, or any combination thereof. For wood structures more than 15 years old, the loading calculation shall incorporate the results of intrusive inspections performed within the previous five years. Such entity shall maintain these loading calculations for the service life of the pole or other structure for which a loading calculation was made and shall provide such information to authorized joint use occupants and the Commission upon request.

Note: For the purpose of Rule 44.2, ~~a material increase in load is an addition which increases the load on a structure by more than five percent per installation, or ten percent over a 12-month span, of the electric utility's or Communication Infrastructure Provider's current load~~ conservative values are values that would result in equal or lower safety factors compared to use of actual specifications.

2. Proposed Amendments to Rules 54.7-A, 84.7-A, and 94.6-C re: Fall-Protection Gear

Added text shown with underline. There is no deleted text.

a. Proposed Amendment to Rule 54.7-A

The climbing space shall be maintained in the same position for a distance of not less than 4 feet vertically both above and below each conductor level through which it passes. To comply with this requirement, the position of the climbing space shall not be changed through conductor levels which are less than 4 feet apart. Where the vertical distance between consecutive conductor levels is 4 feet or more, and less than 8 feet, the position of the climbing space through such consecutive level may be shifted not more than one-quarter (90 degrees) of the distance around the pole.

Where a single level of circuitry is installed at the top of a pole, the climbing space shall extend up to the level of such pole top circuitry and need not be provided through and above such level. Where a conductor is installed at the top of a pole under the provisions of Rule 54.4-D8, the climbing space shall extend up to the level of such pole top conductor but need not be provided through and above such level.

Interference with fall-restraint and fall-protection equipment is not permitted.

b. Proposed Amendment to Rule 84.7-A.

Added text shown with underline. There is no deleted text.

Climbing space shall be provided on one side or quadrant of all poles or structures supporting communications conductors excepting at the level of the one pair of conductors attached to the pole below the lowest crossarm (Rules 84.4-C1c, 84.4-D1 and 87.4-C3) and the top 3 feet of poles carrying communication conductors only which are attached directly to pole in accordance with the provisions of Rule 84.4-C1c.

The climbing space shall be maintained in the same position on the pole for minimum vertical distance of 4 feet above and below each conductor level through which it passes, excepting that where a cable is attached to a crossarm or a pole with the cable less than 9 or 15 inches from the center line of the pole supporting conductors on line arms (no buck arm construction involved) in accordance with the provisions of Rules 84.4-D1 or 87.4-C3, the 4 foot vertical distance may be reduced to not less than 3 feet.

The position of the climbing space shall not be shifted more than 90 degrees around the pole within a vertical distance of less than 8 feet. Climbing space shall be maintained from the ground level.

The climbing space shall be kept free from obstructions excepting those obstructions permitted by Rule 84.7-E.

Interference with fall-restraint and fall-protection equipment is not permitted.

c. Proposed Amendments to Rule 94.6-C.

If SED's proposed amendments to Rules 54.7-A and 84.7A are adopted, SED recommends that Rule 94.6-C be deleted or, alternatively, be modified as follows. (This Order does not adopt SED's proposal to eliminate the Note in Rule 94.6-C in conjunction with SED's following proposed amendments to Rule 94.6-C.)

Added text shown with underline. Deleted text shown with strikethrough.

Antennas and all associated attachments shall not ~~impair climbing space or~~ interfere with fall restraint and fall protection equipment or obstruct climbing space except as permitted by ~~the application of~~ Rule 54.7-A(3) or Rule 84.7-A(5).

Note: Examples of attachments that might not interfere with fall restraint and fall protection equipment include, but are not limited to, the following:

- (1) Surface-mounted equipment that occupies no more than 18 inches of vertical space.
- (2) Equipment stood off from the pole to maintain a minimum of 4 inches of clear space between the equipment and the pole.
- (3) Appropriately designed and installed surface-mounted risers.

- 3. Proposed Amendments to Rules 49.1-C and 94.11, and Proposed New Rules 49.1-C(2) and 49.1-C(3) re: Pole Overturning**
- a. Proposed Amendments to Rule 49.1-C and Proposed New Rule 49.1-C(2)**

SED proposes that the existing content of Rule 49.1-C be renumbered as subsection (1) and that the following new subsection (2) be added after Table 6.

Added text shown with underline. There is no deleted text.

(2) A pole-overturning calculation shall be performed before a pole-top installation (including a pole-top extension or a pole-top installation of facilities such as antennas) is added to an existing pole. The pole-overturning calculation shall use a safety factor of 3.0 for Grade A construction, and 2.0 for Grades B and C construction, and incorporate loads for the entire pole structure, including all existing attachments and guys (if any), and all elements of the planned pole-top installation. If needed, deeper settings or other special methods shall be used to provide at a minimum these safety factors. After installation of a pole-top extension or other facilities, the pole-overturning safety factor shall not be reduced below a safety factor of 3.0 for Grade A construction, and 2.0 for Grades B and C construction.

Note: The purpose of the pole-overturning calculation is to ensure that the pole-overturning moment does not exceed the capacity of the soil, rock or other material in which the pole is embedded to resist the pole-overturning moment.

* * * * *

As recommended by SED, parties may discuss methodologies and safety factors for pole-overturning calculations in workshops that will be held in the rulemaking proceeding instituted by today’s Order, and offer refinements to SED’s proposed Rule 49.1-C(2).

b. Proposed New Rule 49.1-C(3)

Added text shown with underline. There is no deleted text.

- (3) If a pole-top installation is included when a new or replacement pole is set, the length of the pole-top installation shall be added to the length of the pole to determine the applicable minimum pole-setting depth in Table 6.

c. Other Proposed Amendments to Rule 49.1-C

As recommended by SED, the scope of this proceeding includes amendments to Rule 49.1-C to incorporate the retention of records and inter-utility cooperation provisions in Rules 44.2 and 44.4, or alternatively, that Rule 44 and its subparts be expanded to include the new requirements (if adopted by the Commission) regarding pole-overturning calculations. SED did not provide proposed text for either alternative. As recommended by SED, such drafting issues shall be addressed by parties in workshops that will be held in the rulemaking proceeding instituted by today's Order.

d. Proposed Amendments to Rule 94.11

Added text shown with underline. Deleted text shown with strikethrough.

Any entity planning a pole-top antenna installation on an existing pole shall include all elements of the planned pole-top installation in the A pole-overturning calculation required by Rule 49.1-C(2). ~~shall be performed before a pole-top antenna installation is added to a pole. The calculation shall use a safety factor of 3.0 for Grade A construction, and 2.0 for Grades B and C construction, and incorporate loads for the entire pole structure, including all existing attachments and guys (if any), and all elements of the planned pole-top antenna installation. After the installation, the safety factor shall comply with Rule 44.3.~~

Note: The purpose of this calculation is to ensure that the pole overturning moment does not exceed the capacity of the soil, rock or other material in which the pole is embedded to resist the pole overturning moment.

(END OF APPENDIX A)

Appendix B: List of California Electric Utilities

Obtained from the California Energy Commission at:
http://www.energy.ca.gov/almanac/electricity_data/utilities.html

i. Investor-Owned Electric Utilities

Appendix B.i	
List of Investor-Owned Electric Utilities	
1.	Bear Valley Electric Service P.O. Box 1547 42020 Garstin Road Big Bear Lake, CA 92315
2.	Liberty Utilities 933 Eloise Ave South Lake Tahoe, CA 96150
3.	Pacific Gas and Electric Company 77 Beale Street San Francisco, CA 94105
4.	PacifiCorp 825 NE Multnomah Street, Suite 2000 Portland, OR 97232
5.	San Diego Gas & Electric Company P.O. Box 129831 San Diego, CA 92112-9831
6.	Southern California Edison Company 2244 Walnut Grove Avenue Rosemead, CA 91770-3714
7.	Southern California Gas Company ¹ P.O. Box 3150 San Dimas, CA 91773
<p>Note 1: Southern California Gas Company (SoCalGas) is included in this list for the purpose of serving this OIR because SoCalGas owns an overhead electric distribution system at its Aliso Canyon natural gas storage field.</p>	

ii. Publicly Owned Load-Serving Entities

APPENDIX B.ii	
List of California Publicly Owned Load-Serving Entities (Including Publicly Owned Utilities)	
1.	Alameda Municipal Power P.O. Box H 2000 Grand Street Alameda CA 94501-0263
2.	City of Anaheim Public Utilities Department Anaheim City Hall West 201 South Anaheim Blvd., Suite 802 Anaheim CA 92805
3.	Azusa Light and Water P.O. Box 9500 729 North Azusa Avenue Azusa CA 91702
4.	City of Banning Electric Department 176 E. Lincoln Street P.O. Box 998 Banning CA 92220-0998
5.	Biggs Municipal Utilities P.O. Box 307 3016 Sixth Street Biggs CA 95917
6.	Burbank Water and Power 164 West Magnolia Boulevard P.O. Box 631 Burbank CA 91503-0631
7.	City of Cerritos Cerritos Electric Utility P.O. Box 3130 Cerritos CA 90703
8.	City and County of San Francisco Power Enterprise of the San Francisco Public Utilities Commission 1155 Market Street, 4th Floor San Francisco CA 94103

APPENDIX B.ii	
List of California Publicly Owned Load-Serving Entities (Including Publicly Owned Utilities)	
9.	City of Industry Administrative Offices 15625 East Stafford Street, Ste. 100 City of Industry CA 91744
10.	Colton Public Utilities 650 N. La Cadena Dr. Colton Ca 92324-2823
11.	City of Corona Department of Water and Power 755 Corporation Yard Way Corona CA 92880
12.	Eastside Power Authority 14181 Avenue 24 Delano CA 93215
13.	Glendale Water and Power 141 N. Glendale Ave, Level 4 Glendale CA 91206
14.	Gridley Electric Utility 685 Kentucky Street Gridley CA 95948
15.	City of Healdsburg Electric Department City Hall, 401 Grove Street Healdsburg CA 95448-4723
16.	Imperial Irrigation District 333 E. Barioni Blvd. Imperial CA 92251
17.	Kirkwood Meadows Public Utility District PO BOX 247 Kirkwood CA 95646
18.	Lathrop Irrigation District c/o SSJID PO BOX 747 Ripon, CA 95366
19.	Lassen Municipal Utility District 65 South Roop Street Susanville CA 96130

APPENDIX B.ii	
List of California Publicly Owned Load-Serving Entities (Including Publicly Owned Utilities)	
20.	Lodi Electric Utility 1331 South Ham Lane Lodi CA 95242-3995
21.	Lompoc, City of P.O. Box 8001 City Hall, 100 Civic Center Plaza Lompoc CA 93438-8001
22.	Los Angeles Department of Water & Power P.O. Box 51111 Los Angeles CA 90051-5700
23.	Merced Irrigation District P.O. Box 2288 744 West 20th Street Merced CA 95340
24.	Modesto Irrigation District P.O. Box 4060 Modesto CA 95352-4060
25.	Moreno Valley Electric Utility 14325 Frederick Street, Suite 9 Moreno Valley CA 92553
26.	City of Needles Public Utility Authority 817 Third Street Needles CA 92363-2933
27.	City of Palo Alto Utilities Department P.O. Box 10250 Palo Alto CA 94303
28.	Pasadena Water and Power 150 South Los Robles Ave, Suite 200 Pasadena CA 91101-4613
29.	City of Pittsburg Pittsburg Power Company d/b/a/ Island Energy 65 Civic Drive Pittsburg CA 94565-3814
30.	Port of Oakland 530 Water Street, Ste. 3 Oakland CA 94607-3814

APPENDIX B.ii	
List of California Publicly Owned Load-Serving Entities (Including Publicly Owned Utilities)	
31.	Port of Stockton P.O. Box 2089 Stockton, CA 95201-2089
32.	Power and Water Resources Pooling Authority 3514 West Lehman Road Tracy CA 95304-9336
33.	Rancho Cucamonga Municipal Utility 10500 Civic Center Drive Rancho Cucamonga CA 91730
34.	Redding Electric Utility P.O. Box 496071 777 Cypress Avenue Redding CA 96049-6071
35.	City of Riverside Public Utilities Department 3750 University Avenue Riverside CA 92501
36.	Roseville Electric 311 Vernon Street Roseville CA 95678
37.	Sacramento Municipal Utility District P.O. Box 15830 Sacramento CA 95852-1830
38.	City of Shasta Lake P.O. Box 777 1650 Stanton Drive Shasta Lake CA 96019-0777
39.	Shelter Cove Resort Improvement District 9126 Shelter Cove Road Whitethorn CA 95589-9079
40.	Silicon Valley Power City of Santa Clara 1601 Civic Center Drive, Suite 202 Santa Clara, California 95050-4109
41.	Trinity Public Utility District P.O. Box 1216 Weaverville CA 96093

APPENDIX B.ii	
List of California Publicly Owned Load-Serving Entities (Including Publicly Owned Utilities)	
42.	Truckee Donner Public Utilities District P.O. Box 309 Truckee CA 96160
43.	Turlock Irrigation District P.O. Box 949 Turlock CA 95381-0949
44.	City of Ukiah Electric Utilities Division 300 Seminary Avenue Ukiah CA 95482-2680
45.	City of Vernon Gas & Electric Department 4305 S. Santa Fe Avenue Vernon CA 90058-1714
46.	Victorville Municipal Utilities Services P.O. Box 5001 14343 Civic Drive Victorville CA 92392-5001

iii. Rural Electric Cooperatives

Appendix B.iii	
List of Rural Electric Cooperatives	
1.	Anza Electric Cooperative, Inc. P.O. Box 391909 58470 Highway 371 Anza, CA 92539-1909
2.	Plumas-Sierra Rural Electric Cooperative 73233 State Route 70, Suite A Portola, CA 96122-7069
3.	Surprise Valley Electrification Corporation 516 US Hwy 395E Alturas, CA 96101-4228
4.	Valley Electric Association, Inc. 800 E. Highway 372 Pahrump, NV 89048-4624

(End of Appendix B)