

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



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Order Instituting Investigation into the
Creation of a Shared Database or Statewide
Census of Utility Poles and Conduit in
California.

Investigation 17-06-027

And Related Matter.

Rulemaking 17-06-028

**JOINT MOTION OF THE MAJOR POLE OWNERS AND THE JOINT POLE
ATTACHERS FOR THE ADOPTION OF A PROTECTIVE ORDER**

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Dated: April 1, 2024

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

| | |
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| Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California. | Investigation 17-06-027 |
| And Related Matter. | Rulemaking 17-06-028 |

JOINT MOTION OF THE MAJOR POLE OWNERS AND THE JOINT POLE ATTACHERS FOR THE ADOPTION OF A PROTECTIVE ORDER

Pursuant to Commission Rule of Practice and Procedure 11.1 and consistent with Decision (“D.”) 21-10-019 (the “Decision” or the “Track 2 Decision”), Pacific Gas and Electric Company (U-39-E), Southern California Edison Company (U-338-E), Frontier Communications,¹ and AT&T² (defined as the “Major Pole Owners” for purposes of this proceeding),³ as well as AT&T Wireless,⁴ Charter,⁵ Comcast,⁶ Cox,⁷ Crown Castle Fiber LLC

¹ Frontier Communications refers to Frontier California Inc. (U-1002-C), Citizens Telecommunications Company of California Inc. dba Frontier Communications of California (U-1024-C) and Frontier Communications of the Southwest Inc. (U-1026-C).

² AT&T refers to Pacific Bell Telephone Company dba AT&T California (U-1001-C).

³ San Diego Gas & Electric, one of the Major Pole Owners, is not one of the moving parties but has indicated that it does not oppose the Motion.

⁴ AT&T Wireless refers to AT&T Mobility Wireless Operations Holdings, Inc. (U-3021-C) and New Cingular Wireless PCS, LLC (U-3060-C) dba AT&T Mobility. AT&T is both a pole attacher and a pole owner in the context of this proceeding.

⁵ Charter Fiberlink CA-CCO, LLC (U-6878-C) and Time Warner Cable Information Services (California), LLC (U-6874-C) (collectively, “Charter”), on behalf of their cable affiliate that attaches to utility poles in California.

⁶ Comcast refers to Comcast Phone of California, LLC (U-5698-C) on behalf of itself and its affiliates that attach to utility poles in California.

⁷ Cox refers to Cox California Telcom, LLC (U-5684-C) on behalf of itself and its affiliate that utilizes utility poles in California.

(U-6190-C), the California Broadband & Video Association (“CalBroadband”),⁸ T-Mobile West LLC dba T-Mobile (U-3056-C), and Verizon⁹ (collectively “the Joint Pole Attachers”), respectfully (re)submit this Joint Motion for the Adoption of a Protective Order for the Pole Database Information.¹⁰

A. Overview

The Major Pole Owners and the Joint Pole Attachers (collectively referred to as the “Moving Parties”) appreciate that the Track 2 Decision recognizes the sensitivity of the Pole Database Information and incorporates certain limitations on its use and accessibility. (*See* Section B, *infra.*) The Moving Parties, however, have been meeting regularly over the past months to discuss various challenges associated with the creation of the pole databases, including but not limited to general concerns with the access, use and security of the Pole Database Information.¹¹

To that end, the Moving Parties have worked diligently and cooperatively on a proposed Protective Order - consistent with the various obligations already incorporated into the Track 2 Decision - which they believe will facilitate the timely and secure submission/maintenance/use of the Pole Database Information. In preparation of this Motion, the Moving Parties have carefully considered the Administrative Law Judge’s February 28, 2024 Ruling (the “ALJ

⁸ CalBroadband is a trade association consisting of cable providers that provide video, voice, and Internet service to millions of customers across California.

⁹ Verizon includes Cellco Partnership d/b/a Verizon Wireless (U-3001-C) and MCImetro Access Transmission Services LLC (U-5253-C).

¹⁰ The Moving Parties initially attempted to file this motion on February 26, 2024. The filing was rejected by the Docket Office for failing to clearly identify the counsel associated with each of the Moving Parties. The current filing is substantively similar to that initial filing although – as discussed herein - it has been modified to address both the Docket Office’s concerns and those identified in the ALJ’s recent ruling on the Joint Pole Attachers’ Motion that was filed in January 2023.

¹¹ “Pole Database Information” means the twenty (20) data points identified in Decision 21-10-019, or as otherwise modified by the Commission or Commission staff.

Ruling”) on the Joint Pole Attachers’ Motion for Confidential Treatment of Data to be Submitted to the Major Pole Owners Pursuant to Decision 21-10-019 (filed January 10, 2023). Among other things, the Moving Parties highlight that the proposed revised Protective Order in no way limits or restricts the provisions of the Track 2 Decision or authorized users’ access to the Pole Databases. Nor does it impede the Commission’s stated goals in ordering the creation of these databases; i.e., promoting competition by providing attachers with information about attachments currently on poles as reflected in the Pole Database Information¹² and safety. To the contrary, as discussed below, the Protective Order if adopted will advance these goals.

The Moving Parties further emphasize that the Protective Order does not apply to Commission staff and thus will not limit or impede staff’s ability to access or use the Pole Database Information. However, as discussed below, the Protective Order if adopted would protect (i) the Moving Parties’ networks from potential bad actors and (ii) the public from unwarranted disruptions to critical services and the benefits of the competitive market. A copy of the revised, proposed Protective Order is included with this Joint Motion as Attachment A.

B. Background

The Pole Database Information creates unique and material challenges with respect to network infrastructure security and integrity. Among other things, it provides - in essence - a detailed blueprint of the respective networks of electric utilities and communications providers located on utility poles throughout the State. This type of comprehensive information is not otherwise publicly available nor, as implicitly acknowledged by the Commission, should it be. Among other things, the Moving Parties agree that potential disclosure of such information to

¹² See Track 2 Decision at 18-19 (indicating that the “greater competition” purpose of the Decision is to “ensure that an attachment applicant has access to accurate and complete pole data.”).

bad actors, both domestic and foreign, poses a very real danger to the integrity and safety of the networks and the critical communications services upon which California consumers and first responders rely. Indeed, recent news articles confirm that the threat to networks are real.¹³

Moreover, network design entails vast and ongoing expenditures of human and capital resources. The Moving Parties go to great lengths to protect the details of their proprietary network deployments. Extensive, state-wide network infrastructure location and facility information is not otherwise publicly available in the comprehensive format represented by the Pole Databases.

Finally, the Moving Parties note that the public interest in ensuring the safe and reliable operation of their networks in general, as well as the competitive marketplace where applicable, is well-served by ensuring the Pole Database Information is not disclosed to the public, inadvertently disclosed to bad actors, or otherwise made available for inappropriate purposes.

Thus, while the Moving Parties appreciate the protections already included in the Decision that recognize there should be certain access, use, and security limitations placed on the Pole Database Information, the Moving Parties submit that the adoption of the revised, proposed Protective Order will materially facilitate the safe, consistent and secure creation/maintenance of the Pole Databases and provide all stakeholders with clear guidance on how the Pole Database Information can be used.

¹³ See, e.g., *China's Cyber Army is Invading Critical U.S. Services*, Washington Post (Dec. 11, 2023), available at <https://wapo.st/3TIYhYm>; see also, John Miller, *Attacks on US power grid have been the subject of extremist chatter for years. DHS bulletin warns of attacks on critical infrastructure amid other targets*, CNN (Dec. 5, 2022), available at <https://www.cnn.com/2022/12/05/us/us-power-grid-attack-north-carolina-extremist-terrorism/index.html>.

C. The Protective Order

In particular, the Moving Parties have drafted the Protective Order to address three critical and focused concerns:

1. Access: provide further guidance on the registration process and clarify that authorized facilities-based *wireless providers* and Major Pole Owners also have access to the Pole Databases;
2. Use: ensure that the Pole Database Information is used only for limited, legitimate purposes; and
3. Security: require all authorized users (*i.e.*, pole attachers and state/local governments) - not just the Major Pole Owners - to employ reasonable security and cybersecurity measures to protect the Pole Database Information.

As noted above, the Track 2 Decision implicitly and explicitly recognizes the sensitivity of the Pole Database Information and limits access to (a) Authorized Facilities-Based Providers,¹⁴ (b) state or local government officials,¹⁵ and (c) Commission staff. It further requires state or local government officials to identify a legitimate purpose/use for requesting access to the databases¹⁶ and otherwise requires the Major Pole Owners to implement security measures to prevent unauthorized access in general.¹⁷ In addition, the Commission has expressly

¹⁴ See Track 2 Decision at Ordering Paragraph (“OP”) 25 (databases to be made available to “facilities-based Certificate of Public Convenience and Necessity and video franchise holders.”). The Moving Parties understand the reference to “facilities based Certificate of Public Convenience and Necessity” (“CPCN”) holders to include the Major Pole Owners, all *registered* facilities-based wireless carriers, as well as facilities-based CPCN holders. However, that definition is not explicit in the Track 2 Decision. For ease of reference, the term “Authorized Facilities-Based Providers” will be used in this Motion to refer to all facilities-based providers.

¹⁵ *Id.* at OP 26 (requiring the Pole Databases to be made available “to state or local government official ...”).

¹⁶ See *id.* at OP 26 (pole owners “shall make their respective pole attachment databases available, with proper security controls, to state or local government official upon request *provided the official identifies the purpose for receiving access*”(emphasis added); see also *id.* at 78 (“legitimate purposes include “... a planning department with responsibilities for utility easement planning, public safety entities, etc.”).

¹⁷ See *id.* at OP 27 (pole owners “shall implement reasonable security measures and cybersecurity measures to prevent unauthorized and widescale public access to their pole attachment databases.”).

considered and appropriately rejected any notion that such information should be publicly disclosed.¹⁸

Although those findings provide a solid preliminary foundation for dealing with the Pole Database Information, there are a few critical issues that warrant further attention, and which should be applicable to all parties that ultimately will maintain, provide, or have access to the Pole Database Information. As discussed below, the Protective Order is designed to address those issues *without impacting the legitimate use of the Pole Databases by any authorized party*.

➤ **Access**

The Decision’s Conclusions of Law (“COLs”) require that facilities-based providers (i) register with the Major Pole Owners, (ii) explain their reasons for wanting access to the pole database, and (iii) identify who they intend to share data with.¹⁹ Indeed, the Decision’s COLs suggest that all authorized third-parties should “register” with the Major Pole Owners to obtain access to the Pole Databases.²⁰ However, the Ordering Paragraphs do not specify each of these requirements.²¹

¹⁸ See *id.*; see also *id.* at p. 78 (“But the Commission will not go so far as to order the databases be made publicly available as this may add to the administrative costs of running the databases and, at this time, there is not a clear benefit in providing such broad availability and security concerns.”). In light of the Commission’s determination that access to the Pole Database Information will be limited, the Moving Parties understand that any information accessed by Commission staff will be maintained in confidence and otherwise be protected by G.O. 66-D and Pub. Util. Code § 583.

¹⁹ See *id.* at COL 16 (“It is reasonable to conclude that attachment data required by this decision should be made available to facilities-based CPCN and video franchise holders *provided they register* with the major pole owner(s) and *explain their reasons for wanting the attachment data* required by this decision and *with whom they will share the attachment data.*”) (emphasis added).

²⁰ See *id.* at COL 19 (“...As set forth in COL 14 [sic], third parties must register with the major pole owner(s) and explain their reasons for wanting the attachment data required by this decision.”).

²¹ See, e.g., *id.* at OP 25 (requiring access for facilities-based attachers without any references to registration, justification, or identification of parties with whom the information will be shared).

Accordingly, the revised, proposed Protective Order is drafted to address the critical protections embodied in the Decision, which otherwise recognizes the need for entities that access the Pole Databases to go through a vetting process, explain their purpose in accessing the data, and affirm that they will share the data only with authorized users. The Protective Order also provides a uniform mechanism for designating and confirming individuals who otherwise will be considered Authorized Users. (*See* Protective Order at Section II., Paragraphs 5-7 and at Exhibit B).

In deference to the ALJ Ruling, the Moving Parties have modified the proposed Protective Order (which was submitted with the previously filed Joint Motion that was rejected by the Docket Office) to remove any specific prohibition on access for Pole Owner and/or Pole Attacher personnel associated with marketing, sales, or strategic planning. In the context of the Joint Pole Attacher Motion, which included a provision prohibiting access marketing/sales/strategic planning personnel, the ALJ Ruling found the inclusion of such language to be “inconsistent with promoting competition with other attachers” and that encouraging competition, one of the two key purposes “behind the creation of the pole databases ... would not be achieved if pole attachers could not use the information gleaned for marketing, sales, or strategic planning.”²²

For clarity, the Moving Parties note that the prior references to sales, marketing, and strategic personnel were intended only to prohibit the improper use of the Pole Databases for anti-competitive purposes such as mining the data to obtain information about the design and scope of competitors’ networks. This language was not intended to prevent authorized users from determining which facilities are available for network expansion and deployment.

²² *See* ALJ Ruling at 5.

Moreover, this language was intended to be consistent with the Commission’s Right-of-Way Rules, which include a duty not to disclose proprietary attachment application information “except to personnel within the utility that have an actual, verifiable ‘need to know’ in order to respond to requests for information or requests for access.”²³ In sum, the language was not intended to undermine the Commission’s goals in this proceeding. Nonetheless, in deference to the ALJ Ruling, the Moving Parties have removed the language prohibiting access to marketing, sales, and strategic planning personnel from the proposed revised Protective Order.

In addition, the Moving Parties note that access to the Pole Databases appears to be limited to three primary groups: facilities-based attachers, state and local government officials, and Commission staff. However, the Track 2 Decision identifies facilities-based attachers as “facilities-based Certificate of Public Convenience and Necessity and video franchise holders.”²⁴ The Decision *does not* expressly include facilities-based wireless carriers that have wireless registration numbers but no franchises or CPCNs. The Protective Order is drafted to eliminate any ambiguity in that regard. *See* Attachment A at Section II.

²³ *See, e.g.*, D.22-10-025, Appendix A at A-21, Section V(A)(1) (titled “Nondisclosure”).

²⁴ *Id.* at OP 27.

➤ Use

The Decision recognizes that there are limited legitimate purposes for authorized users to obtain access to the Pole Databases. For example, Authorized Facilities-Based Providers are required to “explain” their reasons for wanting to access the data, while state/local officials must identify a legitimate purpose for their request.²⁵ The Decision even provides some guidance on what would constitute a “legitimate” purpose for state and local government officials, and implicitly recognizes that the Major Pole Owners may deny access to the Pole Databases if the authorized user does not identify a legitimate use.²⁶

However, the Decision provides no guidance on what constitutes a legitimate request by Authorized Facilities-Based Providers. Consistent with the Decision’s intent to limit access to the Pole Databases for legitimate purposes, the Protective Order clarifies, consistent with the Decision, that:

Information obtained from any of the Pole Databases shall not be used for any *anti-competitive purpose* including but not limited to creating any representation or facsimile of all or any part of such communications networks and/or facilities of another Pole Attacher or Major Pole Owner.²⁷

The Protective Order also is drafted to address concerns about Authorized Users sharing the information with the public or third parties.²⁸ See Attachment A at Section III.

²⁵ See nn. 15 & 18, *supra*.

²⁶ See Track 2 Decision at 78 (“legitimate purposes include “... a planning department with responsibilities for utility easement planning, public safety entities, etc.”); see also COL 16 (“In the event the major pole owner denies the request, in whole or in part, the person being denied access may file an appeal with the Commission.”).

²⁷ See Joint Motion at Attachment A, III.10 (emphasis added).

²⁸ For example, the Protective Order clarifies that any authorized party with access to the Pole Database Information cannot share, or disclose, information regarding *other attachers’ facilities* with third parties. See Attachment A at III,.11.

➤ **Security**

The Decision recognizes the need for the Major Pole Owners to implement cybersecurity measures to prevent public access to the Pole Databases as well as to protect against bad actors.²⁹ However, the Decision does not address whether parties with access to the Pole Databases are required to similarly protect any information they obtain regarding other provider's networks. The Protective Order will ensure that these protections are in place, as well as ensure that parties with access to the Pole Databases will similarly protect information that they receive as to other providers' networks. This will protect the integrity of the Pole Database Information to the benefit of the Major Pole Owners, pole attachers, and the public. *See* Attachment A at Section IV.

➤ **A Protective Order is an Appropriate Tool in this Proceeding**

The ALJ Ruling appears to express a preference for "user agreements" among the parties and finds that the Decision's prohibition on non-disclosure agreements rendered that "proposed protective order and nondisclosure agreement [] not workable as provided."³⁰ In response, the Moving Parties respectfully submit that a Protective Order would yield a more orderly and

²⁹ *See* Track 2 Decision at OP 27 (pole owners "shall implement reasonable security measures and cybersecurity measures to prevent unauthorized and widescale public access to their pole attachment databases."); *see also id.* at COL 16 ("It is reasonable to conclude that the major pole owners should implement cybersecurity measures, if they haven't already done so, to prevent unauthorized third-party access to their pole and pole attachment data bases."); *id.* at 78 ("As needed, pole owners shall consider implementing reasonable security measures, such as secure passwords and cybersecurity measures to guard against the wholesale access to the pole information."); *id.* at 117 ("Yet, in not granting blanket pronouncements of confidentiality as some parties have suggested, the decision shares the concerns that parties have raised over potential cybersecurity attacks by bad actors and the need to have some protections in place to prevent unauthorized third-party access. The Commission agrees with CTIA that the major pole owners should implement measures, if they haven't already done so, to prevent unauthorized access to the pole attachment data base. The major pole owners must also maintain cybersecurity measures that are designed to protect against the infiltration by cybersecurity activists who might try to gain access to and damage the network of utility and communications poles as well as the attendant attachment data.").

³⁰ *See* ALJ Ruling at p. 4.

consistent means to address the issues noted above. A Protective Order also would streamline and efficiently facilitate the resolution of any disputes that may arise among authorized users of the Pole Databases. Indeed, the Commission has issued protective orders in other contexts where there are numerous potentially interested stakeholders and competitive information is at issue.³¹ In addition, the Moving Parties emphasize that the Protective Order will not function as a nondisclosure agreement. For example, Exhibit B to the proposed revised Protective Order is drafted as an acknowledgement that an individual has read the Protective Order and agrees to be bound by it. Given the number of potential authorized users (e.g., pole attachers and state/local officials), this is a way to enhance security and mitigate access to bad actors. To clarify any possible confusion on that point, the name of that Exhibit, as well as the associated Appendix 1, have been modified accordingly.

D. Conclusion

The limited additional protections sought are not intended to - and will not - impede or otherwise limit access by any of the potential authorized users identified by the Decision. As noted above, the Moving Parties reiterate that none of these protections will limit, or impede, Commission staff's ability to access or use the Pole Database Information because the Protective Order does not apply to staff. Nor will the Protective Order constrain the ability of entities authorized by the Decision (including future facilities-based providers) to access the Pole Databases or use the Pole Database Information for legitimate purposes.

³¹ See, e.g., Administrative Law Judge's Ruling Adopting Protective Order (Mar 4, 2016), in I.15-11-007 (Order Instituting Investigation into the State of Competition Among Telecommunications Providers in California, and to Consider and Resolve Questions raised in the Limited Rehearing of Decision 08-09-042); Order, I.11-06-009 (Order Instituting Investigation on the Commission's Own Motion Into the Planned Purchase and Acquisition by AT&T Inc. of T-Mobile USA, Inc., and its Effect on California Ratepayers and the California Economy), Appendix C.

ATTACHMENT A

ATTACHMENT A

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

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| Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California. | Investigation 17-06-027 |
| And Related Matter. | Rulemaking 17-06-028 |

**PROTECTIVE ORDER FOR THE
ACCESS, USE, AND SECURITY OF POLE DATABASE INFORMATION**

1. This Protective Order sets forth procedures to ensure appropriate access to, use of and security of information to be provided by pole attachers to pole owners for the creation of the pole databases as set forth in Decision 21-10-019.

I. DEFINITIONS

2. Definitions: as used herein, capitalized terms shall have the following meanings:

“Major Pole Owners” means Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Frontier Communications (Frontier California Inc., Citizens Telecommunications Company of California Inc. dba Frontier Communications of California, and Frontier Communications of the Southwest Inc.), and AT&T (AT&T Corp. and Pacific Bell Telephone Company dba AT&T California).

“Pole Attachers” means all communication facilities-based Certificate of Public Convenience and Necessity and video franchise holders, as well as registered facilities-based wireless providers.

“Pole Databases” means the databases created by the Major Pole Owners pursuant to Decisions 20-07-004 and 21-10-019.

“Pole Database Information” means the twenty (20) data points identified in Decision 21-10-019, or as otherwise modified by the Commission or the staff. A copy of the current Pole Database Information is included as Exhibit A to this Protective Order.

ATTACHMENT A

II. ACCESS

3. The Pole Databases and Pole Database Information shall be made available, upon request, only to the following:

- the Major Pole Owners;
- Pole Attachers;
- California state and local government officials; and
- Commission staff.

Collectively, these entities/individuals will be referred to as “Authorized Users” for purposes of this Protective Order.

4. Consistent with D.21-10-019, Conclusion of Law (“COL”) 16 and 19, requests for access to the Pole Databases from Authorized Users, except for Commission staff, will require, at a minimum:

- Registration with the Major Pole Owner.
- Advance written identification of the purpose for receiving access to the Pole Database Information, which shall be deemed satisfied by the Major Pole Owner’s receipt of the Acknowledgement of Confidentiality set forth in Exhibit B.

5. Consistent with D. 21-10-019, Ordering Paragraphs (“OP”) 26 - 29, the Major Pole Owners shall use reasonable and appropriate measures to ensure and verify that only authorized representatives of Authorized Users can register for, and are provided access to, the Pole Databases.

These measures may include, but are not limited to:

- Role-Based Access Control for all users
- Secure application/registration processes;
- Confirmation of valid business email address;
- Confirmation of existing nondisclosure agreement;
- Assign unique usernames;
- Use of passwords;
- 2-factor authentication processes; and
- Periodic review of authorized user lists and closure of inactive accounts or accounts that are no longer valid.

Written confirmation by an Authorized User that a particular person is an authorized representative (including contact information) shall be provided in the Acknowledgment of Confidentiality included as Exhibit B and will be deemed sufficient confirmation under the terms of this Section 5. Exhibit B will be amended as necessary to reflect any modifications to the list of Authorized Users for any Pole Owner, Pole Attacher or State/Local Governmental Entities. Authorized Users shall provide Exhibit B (and any amendments to Exhibit B) to the relevant

ATTACHMENT A

Pole Owner and simultaneously serve Exhibit B (and any amendments to Exhibit B) on the Service List for I.17-06-027.

Authorized Users for Major Pole Owners that may access the Pole Database solely in connection with the operation of electrical infrastructure/facilities are not subject to the requirements noted above in this subpart.

6. Any Authorized User seeking access to the Pole Database Information must sign and date the Acknowledgment of Confidentiality attached hereto as Exhibit B agreeing to be bound by the terms and conditions of this Protective Order or acknowledge such agreement electronically as part of the registration process and as a condition of gaining access to the Pole Database.

7. Authorized Users must take reasonable steps to ensure that any individual with whom they intend to share the Pole Database Information uses the information only for the reasons set forth in Section III and that those individuals execute an Acknowledgement of Confidentiality agreeing to be bound by the terms and condition of this Protective Order prior to receiving any Pole Database Information from that Authorized User.

8. Paragraphs 6 – 7 shall not be construed to apply to the Commission or Commission staff.

9. Nothing in this Protective Order restricts the ability of a requesting party to file an appeal with the Commission, or take any other action they deem appropriate, in the event a Major Pole Owner denies the request for access, in whole or in part.

III. USE

10. The information in Pole Databases regarding communications networks and/or facilities shall be made available to Authorized Users only for the following purposes:

a. For Major Pole Owners and Pole Attachers:

- Identifying potential poles for their future attachments; and
- Obtaining information necessary to modify or replace their existing attachments or poles.

Information obtained from any of the Pole Databases shall not be used for any anti-competitive purpose including but not limited to creating any representation or facsimile of all or any part of such communications networks and/or facilities of another Pole Attacher or Major Pole Owner.

Authorized Users for Major Pole Owners that access the Pole Database solely in connection with the operation of electrical infrastructure/facilities are not subject to the limitations noted above in this subpart.

ATTACHMENT A

- b. For California State and/or Local Government Officials
(not including Commission staff):
 - Utility easement planning; and
 - Public safety.
- c. For Commission staff:
 - Any purpose authorized under the Public Utilities Code.

11. Authorized Users shall not provide access to the Pole Databases or otherwise make Pole Database Information available (other than information regarding their own facilities) to any third-party except for the limited purposes identified in Section 10.

12. If an Authorized User shares Pole Database Information with any third-party, the Authorized User shall take reasonable measures to ensure that the third-party maintains the confidentiality of such information.

IV. SECURITY

13. Consistent with COL 15 and Ordering Paragraphs 26 & 27 of the Decision, the Major Pole Owners shall implement reasonable security measures and cybersecurity measures to prevent unauthorized access to their respective Pole Databases and the Pole Database Information they receive from Pole Attachers.

14. Authorized Users, and any party that otherwise obtains access to the Pole Database Information, shall also implement reasonable security measures and cybersecurity measures to prevent unauthorized access to any information they obtain from the Pole Databases regarding other Pole Attachers' facilities and/or data.

15. The Major Pole Owners and Authorized Users shall – consistent with their internal security policies and procedures - promptly notify Pole Attachers and/or the Major Pole Owner (as applicable) upon the determination that a breach resulting in the unauthorized access to, or the disclosure of, the Pole Database Information of that Pole Attacher or Major Pole Owner.

EXHIBIT A

Pole Database Information – D.21-10-019, Appendix A

| Item # | Field Name | Field Description | Field Type |
|--------|--|---|---------------|
| 1 | Number of Existing Attachments on Pole | The number of existing attachments on any given pole. | Integer |
| 2 | Attachment Owner | The name of the company in ownership of a specific attachment. | Text |
| 3 | Attachment Identifying Number | The unique number used to track an attachment. | Text |
| 4 | Attachment Status | e.g., submitted, pending, approved, installed, etc. | Text |
| 5 | Attachment Status Date | Date of the most recent status update on any given attachment. | Date |
| 6 | Attachment Location on Pole | Location of attachment on pole (e.g., within comm. zone, pole top, cross arm, pole mount, etc.). | Text |
| | | | |
| 7 | Pole Attachment Elevation | Expressed in feet and inches from ground. | Numeric Value |
| 8 | Attachment Description | e.g., cable, messenger, antenna, service drop, electric utility equipment, etc. | Text |
| | | | |
| 9 | Attachment Dimensions | Detailed information specifying the size of the attachment. For cables and conductors, the gauge of the cable must be provided. | Text |
| 10 | Attachment Weight | Weight of attachment. For cables, the weight per linear foot must be provided. | Numeric Value |
| 11 | Grade of Construction | Grade of construction as specified in Section IV of GO 95. | Text |
| 12 | Conductor Tension | Tension of the conductor, cable, messenger or equivalent. | Numeric Value |
| 13 | Cable Tensile Strength | Tensile strength of the conductor, cable, messenger, or equivalent. | Numeric Value |
| 14 | Cable Average Span Length | Average span length of the conductor, cable, messenger, or equivalent. | Numeric Value |

EXHIBIT A

| | | | |
|----|--------------------------------------|---|---------------|
| 15 | Wind Loading on the Attachment | Wind loading on the attachment. | Numeric Value |
| 16 | Vertical Loading | Vertical loading of the attachment. | Numeric Value |
| | | | |
| 17 | Bending Moment due to the Attachment | Calculation of the pole bending moment caused by the load added to the pole by the attachment at the time it was installed or modified. | Text |
| 18 | Support Structures | Identify support structures on pole added for the attachment, including but not limited to guy wires, anchors, cross arms, etc. | Text |
| 19 | Abandoned Attachment | Identify whether the attachment has been abandoned. | Text |
| 20 | Voltage | Attachment voltage as defined by GO 95, Rule 24.1. | Numeric Value |

EXHIBIT B

**Acknowledgment of Terms and Conditions of Protective Order
Rulemaking 17-06-028**

Authorized Representative

I, _____, am the _____ of _____
[Print Name] [Title] [Name of Entity]

and on its behalf, hereby represent and warrant that it is a:

- ___ Pole Owner
- ___ Pole Attacher
- ___ State or Local Governmental Entity

and that the following individuals are authorized users for purposes of this Protective Order:

1. _____
[Print Name]
2. _____
[Print Name]
3. _____
[Print Name]

[Additional pages may be attached]

Executed this ___ day of _____, 202__.

Signature

Email Address

Telephone

An Authorized User Acknowledgment of the Terms and Conditions of the Protective Order for each individual identified above is attached as Appendix 1.

APPENDIX 1

EXHIBIT B

Authorized User Acknowledgment of the Terms and Conditions of the Protective Order

I, _____, hereby represent and acknowledge as follows:
[Print Name]

1. I am an _____ of _____.
[employee, contractor, vendor, etc.] [Name of Entity]
2. I have received and read a copy of the attached Protective Order.
3. I am seeking access to the Pole Database Information only for the purposes set forth above in Sections III.10.a or III.10.b of the Protective Order, as appropriate.
4. I agree that I am bound by the Protective Order and that I shall not disclose or use the Pole Database Information except as allowed by the Protective Order.
5. I understand that a violation of the Protective Order is a violation of an order of the California Public Utilities Commission.

Executed this ____ day of _____, 202__.

Signature

Email Address

Telephone

ATTACHMENT B

ATTACHMENT B

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

| | |
|--|-------------------------|
| Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California. | Investigation 17-06-027 |
| And Related Matter. | Rulemaking 17-06-028 |

PROPOSED ORDER

GRANTING THE JOINT MOTION OF THE MAJOR POLE OWNERS AND THE JOINT POLE ATTACHERS FOR THE ADOPTION OF A PROTECTIVE ORDER

On April 1, 2024, Pacific Gas and Electric Company (U-39-E), Southern California Edison Company (U-338-E), Frontier Communications,¹ and AT&T² (defined as the “Major Pole Owners” for purposes of this proceeding),³ as well as AT&T Wireless,⁴ Charter,⁵ Comcast,⁶ Cox,⁷ Crown Castle Fiber LLC (U-6190-C), the California Broadband & Video Association

¹ Frontier Communications refers to Frontier California Inc. (U-1002-C), Citizens Telecommunications Company of California Inc. dba Frontier Communications of California (U-1024-C) and Frontier Communications of the Southwest Inc. (U-1026-C).

² AT&T refers to Pacific Bell Telephone Company d/b/a AT&T California (U-1001-C).

³ San Diego Gas & Electric, one of the Major Pole Owners, is not one of the moving parties but has indicated that it does not oppose the Motion.

⁴ AT&T Wireless refers to AT&T Mobility Wireless Operations Holdings, Inc. (U-3021-C) and New Cingular Wireless PCS, LLC (U-3060-C) d/b/a AT&T Mobility. AT&T is both a pole attacher and a pole owner in the context of this proceeding.

⁵ Charter Fiberlink CA-CCO, LLC (U-6878-C) and Time Warner Cable Information Services (California), LLC (U-6874-C) (collectively, “Charter”), on behalf of their cable affiliate that attaches to utility poles in California.

⁶ Comcast refers to Comcast Phone of California, LLC (U-5698-C) on behalf of itself and its affiliates that attach to utility poles in California.

⁷ Cox refers to Cox California Telcom, LLC (U-5684-C) on behalf of itself and its affiliate that utilizes utility poles in California.

ATTACHMENT B

(“CalBroadband”),⁸ T-Mobile West LLC dba T-Mobile (U-3056-C), and Verizon⁹ (collectively “the Joint Pole Attachers”), submitted a Joint Motion for the Adoption of a Protective Order for the Pole Database Information.¹⁰

Having fully reviewed and considered the instant Motion, and all responses to the Motion submitted by other parties, IT IS HEREBY RULED as follows:

1. The Protective Order included as Attachment A is adopted. All Pole Database Information shall be subject to the terms of this Order as well as to the Protective Order.
2. Any entity or person seeking or providing access to the Pole Databases and/or the Pole Database Information must adhere to and comply with the Protective Order.

Accordingly, it is ORDERED that the Joint Motion for the Adoption of a Protective Order is GRANTED.

Dated: _____, 2024, at San Francisco, California.

Administrative Law Judge Mason

⁸ CalBroadband is a trade association consisting of cable providers that provide video, voice, and Internet service to millions of customers across California.

⁹ Verizon includes Cellco Partnership d/b/a Verizon Wireless (U-3001-C) and MCImetro Access Transmission Services LLC (U-5253-C).

¹⁰ “Pole Database Information” means the twenty (20) data points identified in Decision 21-10-019, or as otherwise modified by the Commission or the staff.