

Decision 26-05-007 May 14, 2026

**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

**DECISION ADOPTING REVISED RIGHTS-OF-WAY RULES AND RESOLVING  
PETITION FOR MODIFICATION OF DECISION (D.) 21-10-019  
AND PETITION FOR MODIFICATION OF D.22-10-025**

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Attachment A — Proposed General Order 178: Rules Governing Rights-of-Way in California (Redlined)

Attachment B — Proposed General Order 178: Rules Governing Rights-of-Way in California (Clean)

**DECISION ADOPTING REVISED RIGHTS-OF-WAY RULES AND RESOLVING  
PETITION FOR MODIFICATION OF DECISION (D.) 21-10-019  
AND PETITION FOR MODIFICATION OF D.22-10-025**

**Summary**

This decision adopts General Order 178: Rules Governing Rights-of-Way in California, which updates, amends, and renames the “Commission Adopted Rules Governing Access to the Rights-of-Way Rules and Support Structures of Incumbent Telephone and Electric Utilities” that the Commission most recently amended in Decision 22-10-025 (*Decision Adopting One-Touch Make-Ready Requirements*).

The redline version of General Order 178 is appended as Attachment A to this decision, and the clean version of General Order 178 is appended as Attachment B to this decision.

This decision also denies the *Petition for Modification of Decision 21-10-019 by the Major Pole Owners and the Joint Pole Attachers*, and the *Petition of Sonic Telecom, LLC for Modification of Decision 22-10-025*.

Investigation 17-06-027 and Rulemaking 17-06-028 are closed.

**1. Background**

**1.1. Factual Background**

On June 29, 2017, the California Public Utilities Commission (hereinafter the Commission) issued Investigation (I.) 17-06-027 and Rulemaking (R.) 17-06-028 (OII/OIR proceeding) to consider and develop strategies for increased and non-discriminatory access to poles and conduit by competitive communications providers, the impact of such increased access on safety, and how best to ensure the integrity of the affected communications and electric supply infrastructure going forward. The Commission also expressed its intention to investigate the feasibility of a data management platform that will allow stakeholders to share key pole

attachment and conduit information;<sup>1</sup> consider rules that will allow broadband Internet access service providers to attach facilities to poles and to use conduit following their classification as public utility telecommunications carriers in the Federal Communications Commission’s 2015 *Open Internet Order*;<sup>2</sup> and consider rules specific to conduct, and better pole management practices.<sup>3</sup>

This OII/OIR proceeding was borne out of the Commission’s goal to impose greater clarity and consistency in the record keeping for the 5+ million poles in California, most of which are owned by Pacific Gas and Electric Company (U-39-E) (PG&E), Southern California Edison Company (U-338-E) (SCE), San Diego Gas & Electric Company (U-902-E) (SDG&E), Frontier,<sup>4</sup> and AT&T<sup>5</sup> (collectively referred to as the “Major Pole Owners”), and accessed by AT&T, AT&T Wireless,<sup>6</sup> Comcast,<sup>7</sup> Cox California Telcom, LLC (Cox), Crown Castle Fiber LLC (U-6190-C), T-Mobile West LLC d/b/a T-Mobile (U-3056-C), Sonic Telecom, LLC (U-7002-C) (Sonic), and Verizon (collectively referred to as the “Joint Pole Attachers”). When the Commission opened this OII/OIR proceeding, there was no shared data repository to track pole locations, attachments, their condition, or their ownership.<sup>8</sup> Requiring the Major Pole Owners to collect and maintain such information is essential for the

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<sup>1</sup> OII/OIR proceeding at p. 1.

<sup>2</sup> *In re Protecting and Promoting an Open Internet*, Federal Communications Commission (FCC) Report and Order, 30 FCC Rcd 5601 (March 2015) at 478-485.

<sup>3</sup> OII/OIR proceeding at p. 1.

<sup>4</sup> Frontier refers to the following companies, each of which is an Incumbent Local Exchange Carrier in California: Frontier California Inc. (U-1002-C); Frontier Communications of the Southwest Inc. (U-1026-C); and Citizens Telecommunications Company of California Inc. (U-1024-C).

<sup>5</sup> AT&T refers to Pacific Bell Telephone Company dba AT&T California (U-1001-C).

<sup>6</sup> 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 owner and a pole attacher in the context of this OII/OIR proceeding.

<sup>7</sup> 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.

<sup>8</sup> OII/OIR proceeding at p. 2.

Commission to fulfill its duty of regulatory oversight. Pole information databases will assist the Commission in ascertaining if poles and attachments are poorly maintained, and if such a state of maintenance is the cause or contributing cause behind fires throughout California that have resulted in substantial property damage and repeated loss of life.<sup>9</sup>

## **1.2. Procedural Background**

Because of the size and complexity of the OII/OIR proceeding, the assigned Commissioner broke the proceeding into tracks to promote the efficient resolution of the issues. Decision (D.) 20-07-004 (*Decision approving Track 1 Workshop Report Work Plans for San Diego Gas & Electric Company, Southern California Edison Company, Pacific Gas and Electric Company, AT&T, and Frontier Communications of California*) ordered each of the Major Pole Owners to incorporate data glossaries with consistent meanings into their respective data portals.

D.21-10-019 (*Track 2 Decision adding Attachment Data to Pole Owner Databases Ordered in Decision 20-07-004*) ordered the Major Pole Owners to include granular information about each electric attachment and communications attachment to each pole in each Major Pole Owner's database. On July 25, 2025, the Major Pole Owners and Joint Pole Attachers filed a *Petition for Modification of D.21-10-019 (Joint Petition)*, which will be resolved in this decision, *infra*, at Section 5. Because of the allegations made in the *Joint Petition*, along with party requests for extensions of time to comply with D.21-10-019 until after the *Joint Petition* has been resolved,<sup>10</sup> on August 22, 2025, the assigned Administrative Law

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<sup>9</sup> *Id.*

<sup>10</sup> The parties making the extension requests are Extenet, the Major Pole Owners, and a group of pole attachers (AT&T, AT&T Mobility Wireless Operations Holdings, Inc. (U-3021-C), and New Cingular Wireless PCS, LLC (U-3060-C) dba AT&T Mobility; Cellco Partnership dba Verizon Wireless (U-3001-C), MCImetro Access Transmission Services LLC (U-5253-C), and MCI Communications Services LLC (U-5378-C) [collectively, Verizon]; Comcast Phone of California, LLC (U-5698-C) on behalf of itself and its affiliates; T-Mobile West, LLC dba T-Mobile (U-3056-C); Crown Castle Fiber LLC (U-6190-C); Cox California Telcom, LLC (U-5684-C); and Sonic Telecom, LLC (U-7002-C)).

Judge (ALJ) issued his *Ruling Requesting Responses to Questions Regarding compliance with Decision 21-10-019 (August 22 Ruling)*. Responses to the *August 22 Ruling* were received on or about September 3, 2025, from AT&T, Comcast, Cox California, Crown Castle, Extenet Systems, Frontier, PG&E, SDG&E, Sonic, and Verizon.

D.22-10-025 (*Decision Adopting One-Touch Make-Ready Requirements*)<sup>11</sup> adopted the Commission's Staff Proposal entitled "Adopted Amendments to the Rights-of-Way Rules (redline)," with modifications, to implement a transparent and efficient pole attachment process that vests new pole attachers with greater options that place them in control of the work necessary to attach their equipment to the utility poles and provide consumers with greater telecommunications service opportunities. In doing so, the Commission furthered its policy of ensuring nondiscriminatory access to the incumbent utilities' poles and rights-of-way to assist facilities-based competition reach California's goal of providing broadband access to no less than 98 percent of California households by 2032.<sup>12</sup> On May 30, 2025, Sonic filed a *Petition for Modification of D.22-10-025 (Sonic Petition)*, which will be resolved in this decision, *infra*, at Section 5.

On May 12, 2025, the assigned ALJ issued his *Ruling Requesting Comments on Staff Proposal to Modify the Commission's Rights-of-Way Rules (the ROW Ruling)*. Appended to the *ROW Ruling* as Attachment A was the Commission's Staff Proposal document entitled "Proposed General Order 178: Rules Governing Rights-of-Way in

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<sup>11</sup> One-Touch Make-Ready (sometimes hereinafter OTMR) is a regulatory process that allows a single contractor to perform all necessary make-ready work on utility poles, thus streamlining the process for installing new attachments.

<sup>12</sup> See California Public Utilities Code Section 281(b)(1)(A), which states:

The goal of the Broadband Infrastructure Grant Account is, no later than December 31, 2023, to approve funding for infrastructure projects that will provide broadband access to no less than 98 percent of California households in each consortia region, as identified by the commission. The commission shall be responsible for achieving the goals of the program.

California” (Staff Proposal). This Staff Proposal was derived from the staff’s investigation and the party comments to the earlier *Ruling requesting Party Comments on Rights-of-Way Rules* (May 10, 2019) and the *Ruling Requesting Responses on Remaining Proceeding Issues* (December 12, 2022) (*December 2022 Ruling*).

### **1.3. Submission Date**

This matter was submitted on September 3, 2025, upon the filing of the party responses to the *August 22 Ruling*.

## **2. Jurisdiction**

As we will explain, while the federal government has authority in the field of pole access, California has reverse-preempted the federal regulation of pole attachments. Title 47 of the United States Code (U.S.C.), at Section 224(f) (47 U.S.C. Section 224(f)), requires every utility to provide “a cable television system or any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or rights-of-way owned or controlled by” the utility except in situations where a utility cannot provide access because of “insufficient capacity and for reasons of safety, reliability and generally applicable engineering principles.” The FCC is required by 47 U.S.C. Section 224(b)(1) to “regulate the rates, terms, and conditions for pole attachments to provide that such rates, terms, and conditions are just and reasonable, and... to hear and resolve complaints concerning such rates, terms, and conditions.” The FCC has determined that 47 U.S.C. Section 224 applies to wireless carriers and wireless pole attachments.<sup>13</sup>

Despite the FCC’s jurisdictional presence in this field, a state may preempt the FCC’s regulation of pole attachments. Specifically, 47 U.S.C. Section 224(c)(1) provides that “[n]othing in this section shall be construed to apply to, or to give the [FCC] jurisdiction with respect to rates, terms, and conditions, or access to poles,

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<sup>13</sup> FCC 11-50 (rel. Apr. 7, 2011) at 12, 77, and 153.

ducts, conduits, and rights-of-way... where such matters are regulated by a State.”

For such preemption to occur, a State must certify to the FCC that the State has enacted regulations that meet the following conditions set forth in 47 U.S.C.

Sections 224(c)(2) and (3):

- (2) Each State which regulates the rates, terms, and conditions for pole attachment shall certify to the [FCC] that —
  - (A) it regulates such rates, terms, and conditions; and
  - (B) in so regulating such rates, terms, and conditions, the State has the authority to consider and does consider the interests of the subscribers of the services offered via such attachment, as well as the interests of the consumers of the utility service.
- (3) For purposes of this subsection, a State shall not be considered to regulate the rates, terms, and conditions for pole attachments —
  - (A) unless the State has issued and made effective rules and regulations implementing the State’s regulatory authority over pole attachments; and
  - (B) with respect to any individual matter, unless the State takes final action on a complaint regarding such matter —
    - i. within 180 days after the complaint is filed with the State or
    - ii. within the application period prescribed for such final action in such rules and regulations of the State, if the prescribed period does not extend beyond 360 days after the filing of such complaint.

In D.98-10-058 (*Re Competition for Local Exchange Service*), as modified by D.16-01-046, the Commission provided certification pursuant to 47 U.S.C. Section 224(c) that the Commission regulates the rate, terms, and conditions of access to poles, ducts, conduits, and rights-of-way in conformance with 47 U.S.C.

Sections 224(c)(2) and (3).<sup>14</sup> As a result, the Commission has satisfied the procedural requirements to preempt the FCC's regulation of pole attachments in California and may adopt its own Rights-of-Way (ROW) Rules.

California Public Utilities Code (Pub. Util. Code) Sections 701<sup>15</sup> and 767<sup>16</sup> authorize the Commission to establish rates, terms, and conditions for joint use of public utility poles, ducts, conduits, and rights-of-way (together, "public utility infrastructure"). D.98-10-058, as modified by D.16-01-046, adopted rules that provide competitive local exchange carriers (CLECs), commercial mobile radio service (CMRS) carriers, and cable television (CATV) corporations with nondiscriminatory access to public utility infrastructure that is owned or controlled by (1) large and mid-sized incumbent local exchange carriers; and (2) three electric

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<sup>14</sup> D.98-10-058 at Conclusions of Law (COLs) 2 and 3, and D.16-01-046 at COLs 2 and 21.

<sup>15</sup> Pub. Util. Code Section 701 states:

The commission may supervise and regulate every public utility in the State and may do all things, whether specifically designated in this part or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction.

<sup>16</sup> Pub. Util. Code Section 767 states:

Whenever the commission, after a hearing had upon its own motion or upon complaint of a public utility affected, finds that public convenience and necessity require the use by one public utility of all or any part of the conduits, subways, tracks, wires, poles, pipes, or other equipment, on, over, or under any street or highway, and belonging to another public utility, and that such use will not result in irreparable injury to the owner or other users of such property or equipment or in any substantial detriment to the service, and that such public utilities have failed to agree upon such use or the terms and conditions or compensation therefor, the commission may by order direct that such use be permitted, and prescribe a reasonable compensation and reasonable terms and conditions for the joint use. If such use is directed, the public utility to whom the use is permitted shall be liable to the owner or other users for such damage as may result therefrom to the property of the owner or other users thereof, and the commission may ascertain and direct the payment, prior to such use, of fair and just compensation for damage suffered, if any.

utilities consisting of PG&E, SDG&E, and SCE.<sup>17</sup> The Commission's rules for nondiscriminatory access to public utility infrastructure are referred to as the ROW Rules and address the following matters:

1. Requests to access a public utility's infrastructure by CLECs, CMRS carriers, CATV corporations, including the contents of the requests, deadlines for utility responses, and timeframes for the utility to complete make-ready work.
2. Protections for proprietary information.
3. Fees and contracts for access to public utility infrastructure.
4. Reservations of infrastructure capacity for future use.
5. Procedures for expedited resolution of disputes.
6. Safety standards for access to public utility infrastructure.<sup>18</sup>

The Commission administers the ROW Rules in the form of preferred outcomes. Parties may negotiate access agreements that depart from these preferred outcomes, but in resolving any access dispute, the Commission will consider how closely each party has conformed to these preferred outcomes.<sup>19</sup>

In addition to the ROW Rules, the specifics of the Commission's pole, pole attachment, and conduit oversight are memorialized in a series of General Orders (GO): GO 52 (Construction and operation of power and communication lines for the prevention or mitigation of inductive interference); GO 95 (Overhead electric [and communications] line construction); GO 128 (Construction of underground electric supply and communication systems); and GO 159A (Construction of cellular radiotelephone facilities in California).

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<sup>17</sup> D.18-04-007 at 5.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

### **3. Issues Before the Commission**

The Commission identified possible ROW Rules amendments as within the scope of this proceeding.<sup>20</sup>

### **4. Discussion and Analysis of Rights-of-Way Issues**

The *ROW Ruling* identified seven topic areas ((1) unauthorized attachments reporting and fire increases; (2) contractor transparency requirements; (3) documentation of construction standards in addition to the rules specified in Commission general orders; (4) pole replacement prioritization and self-help for attachers; (5) conduit data reporting; (6) applicability of rights-of-way rules to local governments and other utilities; and (7) overlashing) and posed several questions within each topic for which the parties were invited to comment.

#### **4.1. Unauthorized Attachments Reporting and Fine Increases**

##### **4.1.1. ROW Ruling Background and Staff Proposal**

SCE and PG&E request penalties for unauthorized attachments be increased from \$500 to either \$2,000 (SCE) or \$2,500 (PG&E). They point out that the \$500 penalty fee was established over 25 years ago, and that unauthorized attachments have continued to occur since 1998. Specifically, PG&E claims that its postconstruction inspections of attachments have shown that approximately 25 percent of denied pole access applications have resulted in unauthorized attachments by applicants. Further, PG&E argues that due to the increased labor costs to initiate, track, and follow-up on attachment issues, the \$500 existing penalty is not an effective deterrent and does not provide PG&E with sufficient funds to effectively administer such a program.

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<sup>20</sup> See *Assigned Commissioner's Scoping Memo and Ruling* (August 8, 2018) at pp. 12-18; the *Amended Scoping and Ruling* (February 6, 2020), the *Second Amended Scoping Memo and Ruling* (December 15, 2020), and the *Third Amended Scoping Memo and Ruling* (June 15, 2022).

On December 12, 2022, the ALJ issued his *Ruling Requesting Responses on Remaining Proceeding Issues* and directed the Major Pole Owners to provide data on the unauthorized attachments their companies have identified over the past five years. The data provided by the Major Pole Owners was mixed:

- AT&T indicated it “does not track this information on a comprehensive basis in the normal course of business and therefore does not have the requested data.”<sup>21</sup>
- Frontier did not respond.
- PG&E indicated it has “identified thousands of unauthorized attachments over the past five years. PG&E consistently notifies its licensees that it has identified potential unauthorized attachments so that they can investigate, update their records and apply for attachment under the license agreements. To date, PG&E has not yet issued or recovered penalties from its licensees. Collection of the penalty has been deferred as PG&E continues to work through office verification of records with its licensees. Upon completing the verification process, PG&E anticipates that it will be assessing penalties for unauthorized attachments identified in prior periods.”<sup>22</sup>
- SDG&E indicated it “does not have any verified records of unauthorized attachments from the past 5 years. SDG&E adopted a new system to track and manage attachment applications in 2012, but due to record retention guidelines and differing historic regulatory requirements, the records for attachments prior to 2012 were not sufficiently reliable to issue a penalty charge to a communications company for an unauthorized attachment.”<sup>23</sup>
- SCE identified 17,334 unauthorized attachments from a variety of attachers, stating “SCE billed \$8,667,000 in fines

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<sup>21</sup> AT&T, *Opening Comments in Response to Administrative Law Judge’s Ruling Requesting Responses on Remaining Proceeding Issues*, (filed January 17, 2023) at p. 2.

<sup>22</sup> Pacific Gas and Electric Company, *Opening Comments on Administrative Law Judge’s Ruling Requesting Responses on Remaining Proceeding Issues* (filed January 17, 2023) at p. 2.

<sup>23</sup> San Diego Gas & Electric Company, *Opening Comments on Administrative Law Judge’s Ruling Requesting Responses on Remaining Proceeding Issues* (filed January 13, 2023) at p. 1.

from 2018-2022, which represents the amount from invoices billed and not disputed by the identified unauthorized attacher within the 30-day time period. SCE has collected most, but not all, of this amount.”<sup>24</sup>

In addition, the Major Pole Owners have asserted that many attachers have not provided the data required by D.21-10-019.

In light of this information, staff proposed that the Commission increase the fine (due from violator to utility) for unauthorized attachments from \$500 to \$1,000, per violation. The expanded fine authority would also be applied to compliance with D.21-10-019. In addition, staff proposed that utilities should be required to report to the Commission unauthorized attachers and associated fines, which would include an annual compliance filing with the Commission identifying the number of unauthorized attachments identified in the previous calendar year.

#### **4.1.2. ROW Ruling Questions and Party Comments**

**Question 4.1.2.1. The Commission is considering posting the submitted filings to its public website to increase transparency. What information, if any, contained within the annual compliance filing should the Commission consider as confidential and why? Your response must comply with the requirements of General Order 66-D for establishing a claim for confidentiality.**

AT&T suggests that data on specific attachments might be confidential, including: owner (Data Point 2); status (Data Point 4); description (Data Point 8); dimensions (Data Point 9); and weight (Data Point 10). It argues these data points could reveal a service provider’s service area, which might cause anti-competitive

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<sup>24</sup> Southern California Edison Company, *Response to Ruling on Remaining Proceeding Issues* (filed January 17, 2023) Attachment A at p. A-1.

practices that harm consumers. Therefore, AT&T claims they should be considered trade secrets and protected as confidential under GO 66-D.<sup>25</sup>

California Broadband and Video Association suggests redacting, at a minimum, the attaching company's name, to be consistent with the California Public Records Act and California Government Code Section 7923.600(a).<sup>26</sup>

Extenet Systems recommends that claims of unauthorized attachments be reviewed for accuracy before public posting, suggesting that the pole owner provides notice to the attacher, then the attacher has an opportunity to respond, and then CPUC staff determines if the attachment was unauthorized. Extenet claims there are numerous instances of pole owners incorrectly asserting that an attachment is unauthorized. Finally, Extenet suggests limiting public information to only the location of the pole.<sup>27</sup>

PG&E suggests there are no confidentiality concerns with the proposal.<sup>28</sup>

Race Communications, LLC (Race) objects to the posting of reports to the web due to concerns regarding unsubstantiated allegations. Race asserts that attachers should have a chance to reply/object to disputed information. Race argues that the reports should not require any data that can reveal the location of facilities and

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<sup>25</sup> Opening Comments of AT&T, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 ("AT&T Opening Comments") at pp. 2-3.

<sup>26</sup> Opening Comments of California Broadband and Video Association, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 ("California Broadband and Video Association Opening Comments") at p. 11.

<sup>27</sup> Opening Comments of Extenet Systems LLC, Extenet Telecom Solutions, Inc., *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 ("Extenet Opening Comments") at pp. 1-2.

<sup>28</sup> Opening Comments of Pacific Gas and Electric Company, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 ("PG&E Opening Comments") at p. 7.

recommends that reports be submitted to the Commission's Communications Division with GO 66-D protection.<sup>29</sup>

SCE suggests the information for the filing is not confidential. SCE requests that Section VI.D.6.d (Description of Attachments) not be included because it does not believe the information is helpful for evaluating deterrence and burdens pole owners. SCE also requests that "the date the attachment was identified as unauthorized" be reported on a monthly aggregated basis for Section VI.D.6.b.<sup>30</sup> Finally, SCE opposes posting the reports online.<sup>31</sup>

SDG&E suggests that reporting is not necessary, citing existing license agreements and tracking systems. If reporting is required, SDG&E recommends limiting reporting to only undisputed unauthorized attachments unresolved within 90 days. SDG&E also recommends restricting public disclosure to high level summaries that exclude individual locations, penalties, and descriptions of specific attachments.<sup>32</sup>

Sonic does not oppose posting filings to the Commission's website, so long as information that is confidential is protected. Sonic suggests that the CPUC should conduct a compliance investigation prior to posting to the web, and attachers should

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<sup>29</sup> Opening Comments of Race Communications, LLC., *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 ("Race Opening Comments") at p. 2.

<sup>30</sup> Opening Comments of Southern California Edison Company, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 ("SCE Opening Comments") at pp. 5-6.

<sup>31</sup> Reply Comments of Southern California Edison Company, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 23, 2025 ("SCE Reply Comments") at p. 5.

<sup>32</sup> Opening Comments of San Diego Gas & Electric Company and Southern California Gas Company, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 ("SDG&E Opening Comments") at pp. 1-2.

be given the opportunity to comment, challenge, and/or correct the info before public release.<sup>33</sup>

Surfnet Communications, Inc. (Surfnet) objects to the posting of reports to the web, citing disputes with pole owners over whether attachments were authorized via the OTMR rules when utility fails to act on an application within 45 days. It notes the lack of opportunity for the attacher to dispute accusations. Finally, Surfnet recommends that reports be submitted to the CPUC only, and every two years at most.<sup>34</sup>

**Question 4.1.2.2. Is it reasonable to delegate enforcement of D.21-10-019 to pole owners?**

AT&T opposes the delegation of enforcement duties and argues pole owners are neither staffed nor funded to perform that function.<sup>35</sup>

California Broadband and Video Association opposes the delegation of enforcement duties. It claims delegating enforcement is unreasonable and unlawful because it allows major pole owners to profit from fines, violates attachers' due process rights, is inappropriate for ROW rules, and is otherwise unnecessary.<sup>36</sup>

Crown Castle opposes the delegation of enforcement duties due to lack of statutory authorization, CPUC oversight, and due process. Crown Castle argues

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<sup>33</sup> Opening Comments of Sonic Telecom, LLC, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 ("Sonic Opening Comments") at pp. 5-6.

<sup>34</sup> Opening Comments of Surfnet Communications, Inc., *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 ("Surfnet Opening Comments") at p. 2.

<sup>35</sup> AT&T Opening Comments at p. 3.

<sup>36</sup> California Broadband and Video Association Opening Comments at pp. 9-10.

delegation would create an inherent conflict of interest, and that there is a lack of justification for the penalty amount.<sup>37</sup>

CTIA opposes the delegation of enforcement duties. It argues there is lack of statutory authorization and due process concerns.<sup>38</sup>

Extenet Systems opposes the delegation of enforcement duties. It argues it would create conflict of interest, stretch resources, and possibly increase attachment prices.<sup>39</sup>

PG&E opposes the delegation of enforcement duties due to the inability to verify compliance. It claims many attachers have not provided complete data and points to the alleged frequency of disputes over attachment noncompliance. PG&E recommends CPUC's Enforcement Division be responsible for enforcing D.21-10-019.<sup>40</sup> PG&E also argues for a more robust framework for dealing with unauthorized attachments, claiming that the current framework is insufficient to protect against safety and wildfire risks.<sup>41</sup>

Race opposes any delegation of enforcement due to the competing interests of pole owners and attachers.<sup>42</sup>

SCE opposes the delegation of enforcement duties to pole owners, citing lack of authority and resources. It claims attachers are not contractually obligated under

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<sup>37</sup> Opening Comments of Crown Castle Fiber LLC, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 ("Crown Castle Opening Comments") at pp. 2-5.

<sup>38</sup> Opening Comments of CTIA, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 ("CTIA Opening Comments") at pp. 6-8.

<sup>39</sup> Extenet Opening Comments at p. 3.

<sup>40</sup> PG&E Opening Comments at pp. 7-8.

<sup>41</sup> PG&E Opening Comments at pp. 4-7.

<sup>42</sup> Race Opening Comments at pp. 2-3.

SCE's Pole Licensing Agreements to provide the required data points. It also claims that enforcement should reside with the CPUC.<sup>43</sup>

SDG&E claims it needs additional information to determine whether delegation of enforcement is reasonable, due to questions on data interpretation and enforcement details. SDG&E opposes shifting enforcement costs to ratepayers or requiring pole owners to confirm the accuracy of data from attachers.<sup>44</sup>

Sonic argues it is not reasonable, legal, or good public policy to delegate enforcement duties to pole owners. It claims delegation would create "fox in the henhouse" incentives among competitors, unjustly enrich pole owners, and rely on incomplete and error-prone databases.<sup>45</sup>

Surfnets opposes the delegation of enforcement duties, citing pole owners' allegedly poor records and competition with utility telephone companies. Surfnets claims that reporting of unauthorized attachments will be error-prone and unverified.<sup>46</sup>

Verizon opposes the delegation of enforcement duties, arguing that it would be an unlawful delegation to private entities; the fines could be unduly punitive and create an unfair burden on attachers; and it lacks due process (*e.g.*, mechanism for attachers to challenge a pole owner's findings).<sup>47</sup>

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<sup>43</sup> SCE Opening Comments at pp. 6-7.

<sup>44</sup> SDG&E Opening Comments at pp. 2-3.

<sup>45</sup> Sonic Opening Comments at pp. 6-7.

<sup>46</sup> Surfnets Opening Comments at pp. 2-3.

<sup>47</sup> Opening Comments of Cellco Partnership, MCImetro Access Transmission Services LLC, and XO Communications Services LLC, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 18, 2025 ("Verizon Opening Comments") at pp. 1-3.

**Question 4.1.2.3. How should information from pole owners regarding unauthorized attachments and fines be reported to the Commission, and what information should be included?**

AT&T opposes ongoing reporting requirements, claiming a lack of purpose/need and unnecessary additional costs to both pole owners and attachers.<sup>48</sup>

California Broadband and Video Association claims that reporting on unauthorized attachments is not needed; reports would be impractical and could lead to unnecessary disputes. It suggests the CPUC already has vehicles to obtain data. Finally, it recommends that if reports are going to be required, any such reports should redact the attaching company's name.<sup>49</sup>

Crown Castle opposes the reporting of unauthorized attachments and fines. It argues the reports are of limited usefulness, burdensome and costly to prepare, and that the CPUC already can request the information if needed. Crown Castle also claims that determining whether attachments are unauthorized is often unclear and should be resolved informally between parties.<sup>50</sup>

Extenet System suggests the required documentation for unauthorized attachments and fines include: name of pole owner, notice from pole owner to attacher, attacher's response to pole owner, and key dates.<sup>51</sup>

PG&E generally supports the Staff Proposal, but recommends modifications to proposed Section VI.D.6 of GO 178 to: (1) remove reference to D.21-10-019; (2) delete Section VI.D.6.d; (3) add "the county in which the unauthorized attachment was located" so local authorities and customers can review and monitor

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<sup>48</sup> AT&T Opening Comments at p. 3.

<sup>49</sup> California Broadband and Video Association Opening Comments at pp. 10-11.

<sup>50</sup> Crown Castle Opening Comments at pp. 5-6.

<sup>51</sup> Extenet Opening Comments at pp. 3-4.

the impact of unauthorized attachments; and (4) add “Whether the unauthorized attachment was in a High Fire Threat District, and if so, which Tier.”<sup>52</sup>

Race questions the need for reporting on unauthorized attachments. It objects to including any location information in public filings, citing national security, competitive, and cybersecurity concerns. It claims additional reporting requirements would create a significant burden with little apparent benefit to consumers or public safety.<sup>53</sup>

SCE supports including the information in Sections VI.D.6.a-c and e-f of GO 178 in the Annual Compliance Report. It agrees the Annual Compliance Report should be submitted via [CDcompliance@cpuc.ca.gov](mailto:CDcompliance@cpuc.ca.gov) on April 1st so the CPUC can evaluate the effectiveness of the increased penalty.<sup>54</sup>

SDG&E does not recommend that unauthorized attachments be reported. If reporting is required, SDG&E recommends reporting only undisputed unauthorized attachments on an annual basis when not resolved within 90 days, identifying the total number of affected poles and the attachment owner. It suggests that any fines could be reported under the Non-Tariffed Product and Services Report governed by Rule VII under D.97-12-088.<sup>55</sup>

Sonic recommends pole owners report alleged unauthorized attachments to the Commission’s Safety and Enforcement Division (SED)/Electric Safety and Reliability Branch (ESRB) for compliance investigation. Sonic suggests the data include whether the attacher was contacted and given the opportunity to correct any errors. It also recommends allowing attachers to submit comments, challenges,

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<sup>52</sup>Reply Comments of Pacific Gas and Electric Company, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 (“PG&E Reply Comments”) at pp. 8-9.

<sup>53</sup> Race Opening Comments at pp. 3-4.

<sup>54</sup> SCE Opening Comments at pp. 7-8.

<sup>55</sup> SDG&E Opening Comments at pp. 3-4.

and corrections before any penalties are assessed or information is posted to the web.<sup>56</sup>

Surfnet opposes reporting on unauthorized attachments, citing costs, burdens, and lack of benefits. It opposes including any location information in public filings due to confidentiality and competition concerns, citing California Government Code Sections 6254(e) and 6254(a)(b) regarding disclosure of sensitive information.<sup>57</sup>

**Question 4.1.2.4. For electric utilities, where do the monies from unauthorized attachment penalties go? How are these costs divided between ratepayers and shareholders?**

California Broadband and Video Association opposes increasing the penalty for unauthorized attachments because it believes that \$500 is sufficient, if not already too high.<sup>58</sup>

Crown Castle opposes proposed increase in fines for unauthorized attachments. Crown Castle argues the original fine amount may not have been reasonable, and that staff's proposed increase lacks justification. It recommends the FCC's more moderate and inflation-adjusted amount of five times the annual attachment fee plus interest.<sup>59</sup>

Extenet Systems recommends the funds be kept in a specific account earmarked for pole maintenance. It argues penalties are not revenue and should not go to shareholders.<sup>60</sup>

PG&E recommends raising the penalty fee to \$5,000, reasoning that costs to respond to unauthorized attachments often exceeds the \$500 fee. PG&E explains the

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<sup>56</sup> Sonic Opening Comments at p. 7.

<sup>57</sup> Surfnet Opening Comments at p. 3.

<sup>58</sup> California Broadband and Video Association Opening Comments at p. 3.

<sup>59</sup> Crown Castle Opening Comments at pp. 6-7.

<sup>60</sup> Extenet Opening Comments at p. 4.

fees offset the costs associated with PG&E's joint utilities program, and that the monies are included within Other Operating Revenues of PG&E's General Rate Case.<sup>61</sup>

SCE supports increasing the proposed penalty fee beyond \$1,000, and suggests the fee should increase annually by 10 percent and re-occur monthly. SCE requests the CPUC develop a process to address flagrant violations.<sup>62</sup>

Sonic recommends the monies should go to the General Fund and not the utilities or their shareholders.<sup>63</sup>

#### **4.1.3. Discussion and Findings<sup>64</sup>**

In light of the parties' comments and staff investigation, we amend Section VI.D (UNAUTHORIZED ATTACHMENTS) of Proposed GO 178 as follows, and as shown in Attachment A to this decision:

##### UNAUTHORIZED ATTACHMENTS *AND ATTACHMENT DATA*

1. No party may attach to the right-of-way or support structure of another utility without the express written authorization from the utility.
2. For every violation of the duty to obtain approval before attaching, the owner or operator of the unauthorized attachment shall pay to the utility a penalty of ~~\$500~~ *up to \$1,000* for each violation. This fee is in addition to all other costs which are part of the attacher's responsibility. Each unauthorized pole attachment shall count as a separate violation for assessing the penalty.

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<sup>61</sup> PG&E Reply Comments at p. 9.

<sup>62</sup> SCE Opening Comments at pp. 3-5.

<sup>63</sup> Sonic Opening Comments at p. 7.

<sup>64</sup> For ease of reference, an Edit Key has been provided on the front of Attachment A to distinguish between the edits proposed to the Rights-of-Way Rules adopted in D.22-10-025 (additions in blue italics or deletions not highlighted), and additional edits proposed to the Rights-of-Way Rules that were issued for comment by the assigned ALJ's Ruling of May 12, 2025 (additions in blue italics or deletions that are highlighted). That same Edit Key will be utilized as we quote the relevant sections from Attachment A so that the edits can be differentiated.

3. Any violation of the duty to obtain permission before attaching shall be cause for imposition of sanctions as, in the Commissioner's judgment, are necessary to deter the party from in the future breaching its duty to obtain permission before attaching **and** will be accompanied by findings of fact that permit the pole owner to seek further remedies in a civil action.
4. This Section ~~D~~ applies to *all existing* attachments ~~as of the effective date of these rules.~~
5. *All incumbent utilities shall require attachers to provide and maintain complete, accurate and up to date data on their attachments as a condition for use of their right-of-way and support structures. ~~attachers shall comply with the data reporting requirements imposed by pole owners in addition to and in compliance with Decision 21-10-019.~~ If an incumbent utility identifies attachers that are not in compliance with this requirement, the owner or operator of the attachments may be fined by the incumbent utility shall pay to the utility a penalty of up to \$100\$1,000 for each violation, subject to defined notice periods and an opportunity to come into compliance. This fee is in addition to all other costs which are part of the attacher's responsibility. Each pole attachment shall count as a separate violation for assessing the penalty.*
6. *All incumbent utilities shall annually submit a compliance filing to [CDcompliance@cpuc.ca.gov](mailto:CDcompliance@cpuc.ca.gov), ~~identifying the number of~~ with information on unauthorized attachments identified ~~in~~ during the previous calendar year, including information on unauthorized attachment disputes that remained unresolved at the time of the compliance filing. Commission staff may require specific reporting templates, formatting, or additional details. ~~and post filings on the Commission's website for transparency.~~ For each incident, the report shall:
  - a. Identify the entity, if known.
  - b. The date the unauthorized attachment(s) or noncompliance with the incumbent utility's data reporting requirements ~~imposed by pole owners in addition to and in compliance with Decision 21-10-019~~ were identified.
  - c. The county in which the unauthorized attachment was located.*

*d. Whether the unauthorized attachment was in a High Fire-Threat District, and if so, which Tier.*

*e. ~~e.~~ The number of unauthorized attachments identified.*

*f. ~~d.~~ A description of the attachment(s).*

*g. ~~e.~~ The penalties imposed, if applicable.*

*h. ~~f.~~ The status or outcome of the incident (e.g., pending investigation, fine paid, authorization provided, facilities removed, etc.)*

*7. Incumbent utilities may refer instances of attacher noncompliance to the Commission for further enforcement, including but not limited to additional fines, sanctions, ordering of remedial actions (e.g., ordering of external audits at the attacher's expense), and license revocation. Attachers may appeal incumbent utility enforcement to the Commission.*

First, in making these modifications, the Commission does not deviate from the existing data and enforcement requirements. Having accurate and complete information on the attachments for each utility pole is essential for determining what is authorized to be on utility poles. Considering the ongoing disputes between pole owners and attachers as to what is authorized to be on utility poles, the current state of record keeping is insufficient.

Second, with the enhanced reporting and enforcement, we find that increasing the fine amount further is unnecessary. Despite claims from SCE and PG&E that “the unauthorized attachment fee is no longer a deterrent is because the fee never increased over 25 years,” the record shows that no pole owner has complete and accurate information on their utility poles, incomplete pole owner data has hampered unauthorized attachment enforcement, and few pole owners have effective enforcement programs.

Third, the requirement to post compliance filings on unauthorized attachments to the Commission’s website is removed.

Fourth, we will recast enforcement of pole data requirements to instead direct pole owners to require attachers to agree to maintain updated information on their attachments. This more appropriately reflects the relationship between pole owners and attachers, and this approach is in line with the overall goal of ensuring pole owners keep detailed and up-to-date inventory and data on poles and attachments.

Fifth, we have decided to reduce the fine for missing or incomplete data to \$100 per attachment. We will also require the pole owner to provide notice and opportunity for attachers to come into compliance.

Sixth, due to complaints from pole owners, we will adjust the requirement for pole owners to enforce data requirements from a “shall” to a “may” to reflect that we are not directing pole owners to hire new auditors and compliance staff. Instead, we are encouraging the enhancement of existing processes with new tools.

Seventh, for the requirement that pole owners report to the Commission information on unauthorized attachments and fines, we modify the Staff Proposal with PG&E’s recommended changes to add county and High Fire Threat District (new/current fire designation) information.

Finally, we have modified the language so that attachers may be referred to the Commission for consideration of egregious cases for further investigation and enforcement, including but not limited to additional fines, sanctions, ordering of remedial actions, and license revocation. As part of this process, attachers may also contest enforcement actions before the Commission.

## **4.2. Contractor Transparency Requirements**

### **4.2.1. ROW Ruling Background and Staff Proposal**

The Communications Workers of America, District 9 (CWA) and Coalition of California Utility Employees (CUE) proposed revisions that they suggest would further the CPUC’s safety objectives. The proposals would require attachers to use

utility vetted and approved contractors; require contractors to show proof of workers compensation insurance; require contractors to certify their employees have an Occupational and Safety Health Administration (OSHA) 10 card; and enforce contractor requirements by creating a publicly accessible electronic database for contractor verification.

As discussed below, the Staff Proposal and amendments adopted in this decision include revisions to the ROW Rules to improve transparency of contractor requirements and strengthen the existing requirement for each utility, including electric utilities, to maintain a publicly available list of qualified/approved contractors on its website. The Staff Proposal additionally clarifies that contractors must be in compliance with all relevant OSHA training and rules, and clarifies that a Qualified Electrical Worker must perform any work occurring above the communications space, consistent with CalOSHA Title 8, Subchapter 5, § 2700. For a complete list of revisions, refer to Section “H. Use of Third Party Contractors” of Attachment A to this decision.

For all these reasons, we decline to adopt CWA/CUE’s proposals.

#### **4.2.2. ROW Ruling Questions and Party Comments**

##### **Question 4.2.2.1. Should the Commission require that incumbent utilities include a minimum number of qualified contractors on its publicly available list for attachers to utilize to select a contractor?**

AT&T agrees that pole owners should provide a list of authorized contractors but claims there is no need for industry wide regulation of this issue. AT&T asserts its CLEC website includes lists of authorized contractors, and attachers can submit an application to add contractors to AT&T’s lists.<sup>65</sup>

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<sup>65</sup> AT&T Opening Comments at p. 4.

California Broadband and Video Association supports the requirement for utilities to have a list of contractors on their website. It recommends adding a rule giving utilities 30 days to approve contractors and an additional 14 days to complete the contractor onboarding process.<sup>66</sup>

Crown Castle<sup>67</sup> and CTIA<sup>68</sup> support proposed rules regarding the use of third-party contractors. These parties agree that utility websites should have both a list of approved contractors and qualification guidelines, and have no recommendation on the minimum number of contractors.

Extenet Systems claims that utilities' lists are out of date and supports the requirement for utilities to keep their list up-to-date and current within 48 hours of changes. It recommends the utilities' lists include a notation for who approved the contractor.<sup>69</sup>

Surfnet recommends that lists include at least 100 qualified contractors. As support, it references AT&T's published list of 200 approved contractors.<sup>70</sup>

PG&E does not object to this proposal.<sup>71</sup> It supports SCE's proposed edits to the proposed Section IV.H.8 and supports posting only a "reasonably sufficient list" of qualified contractors. PG&E opposes Surfnet's recommendation of at least 100.<sup>72</sup>

Race generally objects to the Staff Proposal as being too limiting. It claims attachers should have discretion to choose their qualified contractors so long as they meet the qualifications in Section IV.H of the existing ROW rules. It claims that requiring the use of a limited list selected by the pole owner could slow deployment

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<sup>66</sup> California Broadband and Video Association Opening Comments at p. 12.

<sup>67</sup> Crown Castle Opening Comments at p. 12.

<sup>68</sup> CTIA Opening Comments at pp. 8-9.

<sup>69</sup> Extenet Opening Comments at p. 4.

<sup>70</sup> Surfnet Opening Comments at p. 4.

<sup>71</sup> PG&E Opening Comments at p. 9.

<sup>72</sup> PG&E Reply Comments at p. 3.

and jeopardize timely completion of California Advanced Services Fund (CASF) and Last Mile Federal Funding Account (FFA) grant-funded projects.<sup>73</sup>

SCE agrees with the addition of new Section IV.H.8 allowing only Qualified Electric Workers to work in the electric space. It recommends specific revisions to clarify that attachers' contractors are subject to Sections IV.H.2 and IV.H.8. SCE does not oppose the posting of a list on websites and suggests a requirement for a "reasonably sufficient list."<sup>74</sup> It opposes a timeline requirement for utilities to update their contractor list.<sup>75</sup>

SDG&E does not support the requirement for any minimum number of qualified contractors. It ensures vendor availability by maintaining at least two qualified contractors per scope of work. SDG&E supports sharing a list with attachers that have executed the master license agreement, but opposes publicly posting this list due to concerns over competitive disadvantage, security threats, and operational disruption.<sup>76</sup> SDG&E opposes Surfnet's recommendation of 100 contractors.<sup>77</sup>

Sonic recommends a minimum number of qualified contractors to avoid delays for attachers. It recommends the Commission hold workshops on this issue. Sonic supports allowing attachers to propose additional contractors be added to the utilities list.<sup>78</sup>

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<sup>73</sup> Race Opening Comments at p. 4.

<sup>74</sup> SCE Opening Comments at pp. 9-10.

<sup>75</sup> SCE Reply Comments at p. 7.

<sup>76</sup> SDG&E Opening Comments at pp. 4-6.

<sup>77</sup> Reply Comments of SDG&E and SoCalGas, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 23, 2025 ("SDG&E Reply Comments") at pp. 1-2.

<sup>78</sup> Sonic Opening Comments at p. 8.

### 4.2.3. Discussion and Findings

Based on the party comments and staff recommendations, we amend Section IV.H. (USE OF THIRD-PARTY CONTRACTORS) of Proposed GO 178 as follows, and as shown in Attachment A to this decision:

#### H. USE OF THIRD-PARTY CONTRACTORS

1. *Each utility* ~~The ILEC~~ shall maintain *a publicly available* list of contractors *on its internet website* that are qualified to respond to requests for information and requests for access, as well as to perform make-ready work and attachment and installation of *the attacher's facilities* ~~telecommunications carrier facilities, CMRS facilities, or cable TV facilities~~ on the utility's support structures. ~~This requirement shall not apply to electric utilities.~~ This requirement shall not affect the discretion of a utility to use its own employees.
2. *An attacher* ~~telecommunications carrier, CMRS carrier, or cable TV company~~ may use its own personnel to attach or install *its* ~~the carrier's~~ facilities in or on a utility's facilities, provided that in the utility's reasonable judgment, the *attacher's* ~~telecommunications carrier's, CMRS carrier's, or cable TV company's~~ personnel or agents demonstrate that they are trained and qualified to work on or in the utility's facilities. To use its own personnel or contractors on electric utility poles, the *attacher* ~~telecommunications carrier, CMRS carrier, or cable TV company~~ must give 48 hours advance notice to the electric utility, unless an electrical shutdown is required. If an electrical shutdown is required, the *attacher* ~~telecommunications carrier, CMRS carrier, or cable TV company~~ must arrange a specific schedule with the electric utility. The *attacher* ~~telecommunications carrier, CMRS carrier, or cable TV company~~ is responsible for all costs associated with an electrical shutdown. The inspection will be paid for by the attaching entity. The *attacher* ~~telecommunications carrier, CMRS carrier, or cable TV company~~ must allow the electric utility, in the utility's discretion to inspect the attachment to the support structure. This provision shall not apply to electric underground facilities containing energized electric supply cables. Work involving electric underground facilities containing energized electric supply

- cables or the rearranging of overhead electric facilities will be conducted as required by the electric utility at its sole discretion. In no event shall the ~~attacher telecommunication carrier, CMRS carrier, or cable TV company~~ or their respective contractor, interfere with the electric utility's equipment or service.
3. Incumbent utilities ~~shall maintain~~ ~~should adopt~~ written guidelines to ensure that ~~attachers' telecommunication carriers', CMRS carriers', and cable TV companies'~~ personnel and third-party contractors are qualified. These guidelines must be reasonable and objective, and must apply equally to the incumbent utility's own personnel or the incumbent utility's own third-party contractors. Incumbent utilities must seek industry input when drafting such guidelines. *These guidelines shall be publicly available on the utility's internet website.*
  4. **Contractors for self-help complex and above the communications space make-ready.** A utility shall make available and keep up-to-date a reasonably sufficient list of contractors it authorizes to perform self-help surveys and make-ready that is complex and self-help surveys and make-ready that is above the communications space on its poles. *The list shall be made publicly available on its internet website.* The new attacher must use a contractor from this list to perform self-help work that is complex or above the communications space. New and existing attachers may request the addition to the list of any contractor that meets the minimum qualifications in paragraphs (H)(6)(a) through (H)(6)(e) of this section and the utility may not unreasonably withhold its consent. ~~The utility has a period of thirty (30) one hundred and twenty (120) days for approval of contractors and an additional fourteen (14) days to complete the contractor onboarding process.~~
  5. **Contractors for simple work.** A utility shall keep up-to-date a reasonably sufficient list of contractors it authorizes to perform surveys and simple make-ready. *The list shall be made publicly available on its internet website.* If a utility provides such a list, then the new attacher must choose a contractor from the list to perform the work. New and existing attachers may request the addition to the list of any contractor that meets the minimum qualifications in paragraphs (H)(6)(a) through (H)(6)(e) of this section and the utility may not unreasonably withhold

its consent. *The utility has a period of ~~thirty (30)~~ one hundred and twenty (120) days for approval of contractors and an additional fourteen (14) days to complete the contractor onboarding process.*

- a. If the utility does not provide a list of approved contractors for surveys or simple make-ready or no utility-approved contractor is available within a reasonable time period, then the new attacher may choose its own qualified contractor that meets the requirements in paragraph (H)(6) of this section. When choosing a contractor that is not on a utility-provided list, the new attacher must certify to the utility that its contractor meets the minimum qualifications described in paragraph (H)(6) of this section when providing notices required by paragraphs (E)(1)(b), (E)(2)(a), (F)(3)(a), and (F)(4).
  - b. The utility may disqualify any contractor chosen by the new attacher that is not on a utility-provided list, but such disqualification must be based on reasonable safety or reliability concerns related to the contractor's failure to meet any of the minimum qualifications described in paragraph (H)(6) of this section or to meet the utility's publicly available and commercially reasonable safety or reliability standards. The utility must provide notice of its contractor objection within the notice periods provided by the new attacher in paragraphs (E)(1)(b), (E)(2)(a), (F)(3)(a), and (F)(4) and in its objection must identify at least one available qualified contractor.
6. **Contractor minimum qualification requirements.** Utilities must ensure that contractors on a utility-provided list, and new attachers must ensure that contractors they select pursuant to paragraph (H)(5)(a) of this section, meet the following minimum requirements:
- a. The contractor has agreed to follow published safety and operational guidelines of the utility, ~~if available, but if unavailable,~~ *and* the contractor shall agree to follow Public Utilities Commission's General Order 95 guidelines;
  - b. The contractor has acknowledged that it knows how to read and follow licensed-engineered pole designs for make-ready, if required by the utility;

- c. The contractor has agreed to follow all local, state, and federal laws and regulations including, but not limited to, the rules regarding Qualified and Competent Persons under the requirements of the Occupational and Safety Health Administration (OSHA) rules *and its relevant staff are in compliance with all relevant Occupational and Safety Health Administration training and rules;*
  - d. The contractor has agreed to meet or exceed any uniformly applied and reasonable safety and reliability thresholds set by the utility, ~~if made available~~; and
  - e. The contractor is adequately insured or will establish an adequate performance bond for the make-ready it will perform, including work it will perform on facilities owned by existing attachers.
7. The consulting representative of ~~an electric~~ utility may make final determinations, on a nondiscriminatory basis, where there is insufficient capacity and for reasons of safety, reliability, and generally applicable engineering purposes.
- a. If the consultant denies the pole attachment, then the decision shall be specific, shall include all relevant evidence and information supporting its decision, and shall explain how such evidence and information relate to a denial of access for reasons of lack of capacity, safety, reliability, or engineering standards.
8. *Any work occurring above the communications space must be performed by a Qualified Electrical Worker, consistent with CalOSHA Title 8, Subchapter 5, §2700.*

In making the above edits, we require that the ‘relevant staff,’ as indicated above, must be in compliance with the applicable OSHA training and rules. Further, any work occurring above the communications space must be performed by a Qualified Electrical Worker, consistent with CalOSHA Title 8, Subchapter 5, Section 2700.

Next, we will require the public posting of the list of approved contractors. But we decline to adopt a precise numerical minimum as the number of approved

contracts could fluctuate due to factual or other circumstances that could affect the number of available contractors for each of the incumbent utilities. Instead, we will expect each of the incumbent utilities to maintain and update, as needed, their current and comprehensive list of approved contractors.

**4.3. Documentation of Construction Standards in Addition to the Rules Specified in Commission General Orders**

**4.3.1. ROW Ruling Background and Staff Proposal**

The Staff Proposal includes revisions to the ROW Rules that require all incumbent utility internal design, construction and maintenance standards that diverge from the Commission's GOs to be made publicly available. The proposal additionally requires incumbent utilities to notify attachers of any proposed changes to these standards.

The *ROW Ruling* asked for comments on the pole owners' ability to adopt standards that are in addition to, and further the objectives of the requirements of, the Commission's GOs, where these additional standards are documented, and whether these standards are sufficiently transparent for the public and attachers. As discussed below, attachers suggest these standards are not sufficiently transparent, and dispute whether pole owners should be permitted to adopt such standards.

**4.3.2. ROW Ruling Questions and Party Comments**

**Question 4.3.2.1. Is the Staff Proposal (for utilities to make publicly available all internal design, construction and maintenance standards that diverge from CPUC General Orders; and for utilities to notify attachers of any proposed changes to these standards) a reasonable approach? Why or why not?**

AT&T opposes these measures. It claims this is not an area that requires additional regulation. AT&T says it recognizes the importance of transparency of

construction standards and publishes guidelines on their website. It claims construction standards and guidelines are sufficiently transparent and understood by attachers. It recommends that any deficiencies by other pole owners be addressed on a case-by-case basis.<sup>79</sup>

California Broadband and Video Association supports the proposed transparency measures. It recommends adding a rule to clarify that pole owners must process applications based on the standard that is in effect at the time application is filed.<sup>80</sup>

CTIA supports the Staff Proposal, but recommends requiring the disclosure of all internal design, construction and maintenance standards, not just those that “diverge from the Commission’s General Orders” because it believes that “diverge” is problematic.<sup>81</sup> CTIA recommends requiring a minimum 30-day advance notice for all changes to standards.<sup>82</sup>

Extenet Systems supports the Staff Proposal. It recommends requiring pole owners to notify attachers about potential changes to construction standards, and that the pole owner should be required to obtain approval from the CPUC for material changes. It recommends that attachers get the opportunity to provide feedback to pole owners.<sup>83</sup>

PG&E proposes four modifications to the Staff Proposal: (1) clarify relevant internal standards are for the pole attachment process and not unrelated company standards; (2) don’t make standards publicly available and, instead, limit availability

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<sup>79</sup> AT&T Opening Comments at pp. 5-6.

<sup>80</sup> California Broadband and Video Association Opening Comments at p. 13.

<sup>81</sup> CTIA Opening Comments at p. 9.

<sup>82</sup> Reply Comments of CTIA, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 (“CTIA Reply Comments”) at p. 9.

<sup>83</sup> Extenet Opening Comments at p. 5.

to attachers; (3) replace “diverge” with “supplement” in discussion of standards that are different from GOs; and (4) remove the requirement to notify attachers of “proposed” changes. PG&E supports advanced notice of changes only if the notice period is reasonable and allows flexibility for urgent safety-related updates.<sup>84</sup> It opposes any requirement to secure CPUC pre-approval for “material” updates.<sup>85</sup>

Race agrees that pole owners should publish standards that differ from the Commission’s GOs. It explains that pole owners have a broad variety of internal standards which vary considerably, along with inconsistent standards and interpretations of guidelines. Race cautions that too much variance from GOs 95 and 128 can create a patchwork of differing requirements that increases cost and slows broadband deployment.<sup>86</sup>

SCE agrees with proposals to publish standards on the website and notify attachers when changes are made.<sup>87</sup> It opposes proposals for standards to be subject to CPUC approval and feedback from parties.<sup>88</sup>

SDG&E agrees the Staff Proposal is reasonable and supports publishing distribution standards that deviate from GOs or clarify construction methods. SDG&E claims it posts standards on its website with revisions tracked, but only shares transmission standards under agreement due to system security and proprietary concerns.<sup>89</sup>

Sonic asserts the Staff Proposal is reasonable. It notes that documentation of standards is essential to fiber deployment, and claims that the pole owners use of undisclosed or “secret” standards has caused unnecessary application rejections,

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<sup>84</sup> PG&E Opening Comments at pp. 9-11.

<sup>85</sup> PG&E Reply Comments at p. 5.

<sup>86</sup> Race Opening Comments at p. 5.

<sup>87</sup> SCE Opening Comments at p. 11.

<sup>88</sup> SCE Reply Comments at p. 8.

<sup>89</sup> SDG&E Opening Comments at pp. 6-7.

even when applications complied with GO 95. It argues that standards should be justified on safety grounds and should not be used to block otherwise compliant attachments.<sup>90</sup>

Surfnet supports the Staff Proposal.<sup>91</sup>

Verizon supports the Staff Proposal, but recommends the CPUC not allow standards that conflict with GO 95.<sup>92</sup>

### 4.3.3. Discussion and Findings

Based on party comments and staff recommendations, we amend Section IV.B.2. (Application Review on the Merits) of Proposed GO 178 as follows, and as shown in Attachment A to this decision:

A utility shall respond in writing to the written request of *an attacher a telecommunications carrier, CMRS carrier, or cable TV company* for access (“request for access”) to its rights-of-way and support structures as quickly as possible, by granting access or denying access within 45 days of receipt of a complete application to attach facilities to its utility poles (or within 60 days in the case of larger orders). *The utility shall evaluate an application based on the design, construction, and maintenance standards that are in effect on the date the application is filed.*

The response shall affirmatively state whether the utility will grant access or, if it intends to deny access.

If the utility denies the application on its merits, then its decision shall be specific, shall include all relevant evidence and information supporting its decision, internal design, construction and maintenance standards, and shall explain how such evidence and information relate to a denial of access for reasons of lack of capacity, safety, reliability, or engineering standards.

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<sup>90</sup> Sonic Opening Comments at pp. 8-9.

<sup>91</sup> Opening Comments of Surfnet at p. 4.

<sup>92</sup> Verizon Opening Comments at p. 4.

Failure to respond within 45 days shall be deemed an acceptance of the request for access.

A utility may not deny the new attacher pole access based on a preexisting violation not caused by any prior attachments of the new attacher.

- a. If, pursuant to a request for access, the utility has notified the *attacher telecommunication carrier, CMRS carrier, or cable TV company* that both adequate space and strength are available for the attachment, and the entity seeking access advises the utility in writing that it wants to make the attachment, the utility shall provide this entity with a list of the rearrangements or changes required to accommodate the entity's facilities and an estimate of the time required and the cost to perform the utility's portion of such rearrangements or changes according to the requirements of Section IV.b.4 (Estimates). *If there is deviation from those costs all being assigned to the attacher, the utility shall clearly communicate the breakdown and assignment of those costs.*
- b. If the utility does not own the property on which its support structures are located, the *attacher telecommunication carrier, CMRS carrier, or cable TV company* must obtain written permission from the owner of that property before attaching or installing its facilities. The *attacher telecommunication carrier, CMRS carrier, or cable TV company* by using such facilities shall defend and indemnify the owner of the utility facilities, if its franchise or other rights to use the real property are challenged as a result of the *attacher's telecommunication carrier's, CMRS carrier's, or the cable TV company's* use or attachment.

In addition, we make the following amendments to Attachment A, IV.I.:

1. *All incumbent utility standards, rules and requirements for access to rights of way or associated support structures shall be made publicly available.*
2. *All incumbent utility internal design, construction and maintenance standards relevant to the construction and access of facilities subject to this General Order that diverge from the Commission's General Orders shall be made publicly available.*
  - a. *All attachers to the incumbent utility's facilities shall be notified of any proposed changes to these standards, rules and requirements.*

We believe it is prudent, based on California Broadband and Video Association’s recommendation, to require that pole owners must process attacher applications based on the stand due-date that is in effect at the time the application is filed.

Second, based on CTIA’s recommendation, we have added a provision requiring pole owners to disclose/post all internal design, construction, and maintenance standards, not just those that “diverge from the Commission’s General Orders.” This change is intended to resolve the ambiguity of the term “diverge.”

Finally, we have clarified, as PG&E has recommended, that the relevant internal standards are for the pole attachment process and not unrelated company standards.

#### **4.4. Pole Replacement Prioritization and Self Help for Attachers**

##### **4.4.1. ROW Ruling Background and Staff Proposal**

Various communications attachers have indicated over the course of this proceeding that delays in replacing overloaded utility poles — or utility poles that would become overloaded with the placement of additional attachments — causes significant delays in deploying broadband infrastructure. The attachers suggest these delays may result in additional project costs, make projects infeasible, and ultimately may hinder the achievement of the state’s broadband deployment objectives.

Existing rules (GO 95, Rule 18-B) permit pole owners to delay addressing poles that are out of compliance for as long as 60 months. Since the poles are out of compliance, no new attachments to these poles may be made until the poles are repaired or replaced.

Electric utilities suggest that pole replacements for purposes of broadband deployment should not be prioritized over other maintenance work, as these

maintenance schedules are developed well in advance to allow time for design, followed by the procurement and delivery of poles and related construction materials, and efficient deployment of either internal or external crews.

Based on the foregoing, the Staff Proposal included the following proposals:

- Require Pole Owners to Perform Replacements. Staff proposes that the Commission require electric utilities to replace poles upon receipt of a completed request for attachment. Staff believes that requiring the poles to be replaced within a certain period of time may give the utilities the ability to rearrange workload to minimize impact (*i.e.*, replace poles within 6 months or 1 year). Additionally, Staff believes that incentives could be provided by having the new attacher contribute additional funding for the pole replacements (*e.g.*, all or just a portion of the costs).
- Authorize “Self Help” for Pole Replacements. Staff proposes that the Commission permit attachers to hire the same contractors that pole owners utilize for pole replacements, which Staff contends is currently prohibited by Commission rules. Costs should still be covered by the pole owner and existing attachers in instances where poles are already in violation of safety standards. Staff suggests that the Commission could also limit this remedy to pole replacements that do not require deenergization of electric service.
- Pole Reinforcements. There are various types of reinforcements to expand the weight-bearing, foundation, and height of utility poles that are consistent with GO 95. However, not all pole owners permit these types of reinforcements. Staff believes that there may be an opportunity to reduce the need, costs, and disruption of pole replacements by requiring pole owners to authorize reinforcements. This will require the parties to further develop the record to understand the extent this would be helpful.

Party comments on these proposals, and the associated questions in the *ROW Ruling*, are provided below.

#### **4.4.2. ROW Ruling Questions and Party Comments**

**Question 4.4.2.1. Communications attachers raise various means of reinforcing or expanding poles to enable additional attachments (e.g., extension arms, boxing, and trussing), however, they suggest that pole owners are not willing to permit these modifications. Are these modifications consistent with GO 95? Are pole owners prohibiting these modifications? If so, why? How should costs be shared?**

AT&T favors allowing attachers to use reinforcement/expansion techniques (extension arms, boxing, trussing) if they comply with GO 95. It explains that techniques depend on specific pole conditions and are a case-by-case basis, and suggests that industry-wide rules are best developed through technical workshops. Finally, AT&T claims that if an attachment needs reinforcement, then the attacher should bear the cost.<sup>93</sup>

California Broadband and Video Association recommends prohibiting utilities from denying space-saving techniques where the techniques are consistent with GO 95, which aligns with FCC guidance. It believes that extension arms, boxing, and trussing can be done in conformity with GO 95.<sup>94</sup>

Extenet Systems claims that PG&E is unwilling to approve trusses as a method for attachers to reinforce poles, despite electric utilities routinely using trusses themselves. It argues that attachers and pole owners should share in the cost for modifications that prolong the life of a pole.<sup>95</sup>

PG&E argues that the proposal for Section IV.E.3.a is insufficient because it suggests that any type of reinforcement is permitted, which may lead to

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<sup>93</sup> AT&T Opening Comments at pp. 6-7.

<sup>94</sup> California Broadband and Video Association Opening Comments at pp. 14-15.

<sup>95</sup> Extenet Opening Comments at pp. 5-6.

unnecessary disputes. PG&E allows certain reinforcements (*e.g.*, steel trussing) consistent with GO 95 but does not approve reinforcements that exceed the original strength of the pole. PG&E notes that some reinforcement methods may conflict with GO 95. It proposes that if reinforcement is required solely due to a new attachment, the attacher should bear the full cost. It further proposes that for noncompliant poles, the pole owner should bear costs necessary to restore compliance, but not additional costs associated with new attachments.<sup>96</sup>

Race agrees that pole replacements and self-help remedies should be prioritized due to potentially significant delays by pole owners, which can increase project costs. It supports allowing pole reinforcements and replacements as long as they are consistent with GO 95. Race is willing to share costs fairly among the pole owners and all attachers.<sup>97</sup>

SCE states that not all reinforcements are safe under all circumstances and should only be permitted if consistent with GO 95, pole load calculations, and applicable SCE standards. It allows attachers to install certain pole reinforcements including trussing, cross arms, and V braces. SCE recommends utilities should retain the right to approve any reinforcements. SCE explains that costs for reinforcements are paid by the attacher seeking modification as per the Pole License Agreement. It recommends specific revisions to proposed rules to mitigate safety risks.<sup>98</sup> It also recommends the CPUC follow cost-causation principles for replacements and reinforcements.<sup>99</sup>

SDG&E states it will not approve pole modifications that are inconsistent with GO 95 or that pose risks to structural integrity or public safety. It currently reviews

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<sup>96</sup> PG&E Reply Comments at pp. 11-13.

<sup>97</sup> Race Opening Comments at pp. 5-6.

<sup>98</sup> SCE Opening Comments at pp. 16-17.

<sup>99</sup> SCE Reply Comments at pp. 15-16.

modifications through the attachers' applications, and may prohibit modifications due to safety, structural, or land rights concerns. SDG&E recommends that attachers cover the full costs if a compliant pole must be modified solely for a new or altered attachment.<sup>100</sup>

Sonic claims reinforcing/expanding pole capacity is in the public interest because it enables faster broadband deployment. Sonic notes that, per D.22-10-025, pole owners should pay if the pole fails loading calculations before any new attachment. Alternatively, Sonic recommends cost-sharing proposals be addressed in technical workshops.<sup>101</sup>

Surfnet supports allowing pole reinforcements and replacements. It recommends shortening the Rule 18-B timeline from 60 months to 12 months, or three months if access is requested by a communications provider.<sup>102</sup>

**Question 4.4.2.2. Is it reasonable to permit attachers to hire pole-owner-approved contractors to replace poles that do not require deenergization of electric facilities? Will this reduce the impact on pole owners? How should costs be shared?**

AT&T explains it is sometimes reasonable to allow attachers to hire contractors to replace poles, but complexities can exist when addressing risers, guys, anchors, or other equipment. It recommends the Commission hold technical workshops. AT&T suggests the attacher should be the cost-causer if the attachment exhausts the safety factor of the pole, or the attacher needs to attach within a specific time frame requiring expedited replacement. It recommends that remediation follows GO 95, Rule 18, and that any expedited replacement costs should be borne by the attacher.<sup>103</sup>

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<sup>100</sup> SDG&E Opening Comments at pp. 7-8.

<sup>101</sup> Sonic Opening Comments at pp. 9-10.

<sup>102</sup> Surfnet Opening Comments at pp. 4-5.

<sup>103</sup> AT&T Opening Comments at pp. 7-8.

California Broadband and Video Association agrees that it is reasonable to permit attachers to utilize self-help with pole owner-approved contractors for reinforcement and simple replacements when the work does not involve deenergization and the utility cannot timely complete the request. It claims this will alleviate financial and logistical burdens on pole owners.<sup>104</sup>

Coalition of California Utility Employees supports staff's proposed requirement for work above the communications space to be performed by a Qualified Electrical Worker. It believes that this is critical to public and worker safety and necessary to meet OSHA regulations for specialized training. It recommends that the CPUC require contractors to certify their employees have an OSHA-10 card, and opposes all exemptions that could permit work to be performed by contractors that are not utility vetted/approved.<sup>105</sup>

Extenet Systems supports the attachers ability to use pole owner-approved contractors. It recommends that costs be allocated in accordance with the FCC's Pole Attachment Order,<sup>106</sup> and that attachers should only pay for costs they directly caused.<sup>107</sup>

PG&E opposes the proposal to allow attachers to hire contractors to replace poles due to a lack of clarity. It raises several concerns and recommends clarifications/revisions. For example, PG&E seeks clarity on the definitions of "simple pole replacements" and "poles that do not require deenergization," noting that many poles can be replaced without deenergization but doing so may impose excessive costs. It asserts that the Staff Proposal lacks key terms and conditions,

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<sup>104</sup> California Broadband and Video Association Opening Comments at p. 15.

<sup>105</sup> Opening Comments of Coalition of California Utility Employees, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 ("CUE Opening Comments") at pp. 1-2.

<sup>106</sup> *In re FCC Seeks to Make Pole Attachment Process Faster, More Transparent, and more Cost-Effective*, WC Docket No. 17-84 at para 39-48 (rel. Dec. 15, 2023).

<sup>107</sup> Extenet Opening Comments at p. 6.

including for liability, indemnity, ownership, cost appointment, and design review. PG&E proposes that if reinforcement is required solely due to a new attachment, the attacher should bear the full cost. It proposes that, for noncompliant poles, the pole owner should bear costs necessary to restore compliance, but not additional costs associated with new attachments.<sup>108</sup>

Race recommends pole owners and attachers should share the costs of a pole replacement. It suggests that an attacher should not have to hire pole owner approved contractors to replace a pole that does not require deenergization.<sup>109</sup>

SCE recommends allowing only utilities to conduct pole replacements due to the complexity of the process. It opposes the proposal to allow attachers to use utility approved contractors for “simple” pole replacements. However, if adopted, SCE requests that such work be subject to Sections IV.H.2 and IV.H.8 requiring utility discretion and use of Qualified Electric Workers. Under SCE’s standard Pole License Agreement, SCE claims its licensees must pay pole replacement costs needed to accommodate their attachments.<sup>110</sup>

SDG&E argues it is unreasonable to allow attachers to hire contractors to replace poles under any conditions, citing safety and reliability risks, potential violations of National Fire Protection Association 70E and OSHA regulations, and risks to utility infrastructure. It asserts that pole replacements require engineering review, coordination with landowners, compliance with land rights and environmental permits, and SDG&E oversight.<sup>111</sup>

Sonic supports the proposal to allow attachers to hire approved contractors. It suggests that pole owners inspect and accept new pole installations to alleviate

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<sup>108</sup> PG&E Reply Comments at pp. 13-19.

<sup>109</sup> Race Opening Comments at p. 6.

<sup>110</sup> SCE Opening Comments at pp. 13-14, 17-18.

<sup>111</sup> SDG&E Opening Comments at pp. 8-11.

attachers from liability. It recommends that attachers be allowed to bill back the full cost of pole replacements to the pole owner. It also recommends technical workshops to determine the cost allocation for poles that barely pass pole loading calculations but would not pass if another attachment is added.<sup>112</sup>

Surfnet recommends pole owners (and not attachers) pay for replacements. It suggests requiring replacements within three months of a request. For complex replacements, if cost sharing must occur, Surfnet recommends the pole owner should pay at least half and any attachers split the rest pro rata. It further recommends that the CPUC monitor the length of time a temporary pole is in place to ensure replacement within three months to a year.<sup>113</sup>

**Question 4.4.2.3. Is it reasonable to require pole owners to replace poles that require deenergization of electric facilities within one year? Does requiring replacement within one year — as opposed to the 30-days proposed by attachers — mitigate impact to pole owner maintenance schedules? Does this proposed timeline strike an appropriate balance between expediency of replacement and potential costs to pole owners and electrical ratepayers to expedite? Is it appropriate to limit these complex pole replacements to pole owners? How should costs be shared?**

AT&T argues that pole replacement/remediation should follow GO 95, Rule 18, and that attachers should bear the cost of expedited replacements.<sup>114</sup>

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<sup>112</sup> Sonic Opening Comments at pp. 10-11.

<sup>113</sup> Surfnet Opening Comments at pp. 5-6.

<sup>114</sup> AT&T Opening Comments at p. 8.

California Broadband and Video Association opposes a one-year replacement timeframe as being unreasonable. It recommends using existing timeframes for make-ready work above communications space (90 to 135 days).<sup>115</sup>

Crown Castle argues that a one-year replacement rule for poles requiring deenergization is good, but not enough. It recommends the Commission adopt tiered timelines: (a) poles that are already failing or have GO 95 violations should be replaced within three months of notice, and (b) poles that would fail with a new attachment should be replaced within six months of a complete application.<sup>116</sup> Crown Castle opposes arguments from pole owners for ROW rules to align with GO 95, Rule 18, which allows up to five years for a pole replacement.<sup>117</sup>

Extenet Systems argues that one year is unreasonable. It recommends the Commission follow FCC guidelines, claiming that the FCC 2018 Order to Enhance OTMR<sup>118</sup> requires pole owners to replace poles within approximately six months for complex make-ready and four months for simple make-ready.<sup>119</sup>

PG&E opposes a one-year replacement requirement due to conflicts with existing rules. It supports cost assignment consistent with Rule 15 for replacements requested by attachers, but not specific timelines unless attachers pay the additional fees. PG&E recommends Rule 18 timelines for poles with compliance issues, and that attachers pay the cost for accelerating work. PG&E claims there is a backlog of maintenance schedules, and recommends exemptions to the one-year deadline for delays outside of pole owners' control. It requests clarification of "complex" versus

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<sup>115</sup> California Broadband and Video Association Opening Comments at pp. 15-16.

<sup>116</sup> Crown Castle Opening Comments at pp. 7-9.

<sup>117</sup> Crown Castle Opening Comments at p. 8.

<sup>118</sup> *Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, WT Docket No. 17-79, Third Report and Order Declaring Ruling, FCC 18-111 (rel. Aug. 3, 2018).

<sup>119</sup> Extenet Opening Comments at p. 7.

“simple” pole replacements. PG&E suggests further safeguards including notification procedures, designing cost responsibility, supervision, labor availability, and how maintenance issues are evaluated.<sup>120</sup>

Race supports a six- to 12-month time frame for pole replacements that require deenergization. It explains that complex pole replacements are generally handled by the pole owner with the attachers sharing the cost. It explains that when attachers need to move their equipment it can disrupt service.<sup>121</sup>

SCE opposes the Staff Proposal to require utilities to complete complex replacements within one year from request due to concerns regarding safety, contradictions with GO 95, Rule 18-B(1)(a) and internal processes, and disruption of replacement schedules based on safety prioritization. It explains that, under its Pole License Agreements, the attacher pays for replacement costs when the replacement is needed to accommodate a new or modified attachment.<sup>122</sup>

SDG&E suggests it is reasonable to require pole owners to complete all necessary pole replacements, including those requiring deenergization, within one year of receiving a complete request, except where delays arise from factors beyond the utilities control, including permitting, land rights, or material procurement.<sup>123</sup> SDG&E opposes Surfnet’s proposal to modify repair/replacement timelines via the ROW Rules, due to safety concerns and divergence from GO 95.<sup>124</sup>

Sonic opposes the Staff Proposal to allow pole owners up to a year to replace poles requiring deenergization, reasoning that this would permit ongoing GO-95 safety violations and unreasonably delay broadband deployment. It recommends

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<sup>120</sup> PG&E Reply Comments at pp. 19-30.

<sup>121</sup> Race Opening Comments at pp. 6-7.

<sup>122</sup> SCE Opening Comments at pp. 13-14.

<sup>123</sup> SDG&E Opening Comments at p. 11.

<sup>124</sup> SDG&E Reply Comments at pp. 2-3.

requiring replacement within 45 days of completing an application, citing D.22-10-025.<sup>125</sup>

Surfnet recommends requiring replacement within 30 days, citing benefits of broadband. It notes that its projects rarely require deenergization replacements.<sup>126</sup>

**Question 4.4.2.4. Is it reasonable to have attachers take on additional costs when requesting a pole reinforcement or replacement? What are these costs? How should these costs be shared? Should these costs cover the entire pole replacement, an attacher's proportionate share of the pole replacement, or a subset of these costs (e.g., the administrative, material, labor, etc., costs incurred by pole owners)?**

AT&T suggests the attacher should bear the cost of a pole replacement or reinforcement if caused by their attachment. It claims there is no basis for dividing up costs by cost category, and suggests that cost causation should be basis for cost assignment. AT&T recommends for expedited replacements that it may be reasonable to offset the attacher's costs with any proportional benefit to the pole owner or other attachers. It suggests this issue would benefit from a technical workshop.<sup>127</sup>

California Broadband and Video Association recommends new attachers pay for the pole replacement only when their attachment is the sole cause. It suggests that pole owners bear the costs of replacing poles already in need of replacement, because they are the cost-causers for noncompliance with GO 95, and allocating costs to attachers raises broadband deployment costs, undermines universal access goals, and creates safety risks.<sup>128</sup>

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<sup>125</sup> Sonic Opening Comments at pp. 11-12.

<sup>126</sup> Opening Comments of Surfnet at pp. 6-7.

<sup>127</sup> AT&T Opening Comments at p. 9.

<sup>128</sup> California Broadband and Video Association Opening Comments at p. 17.

Crown Castle supports clearer and more equitable cost sharing between pole owners and attachers. It claims that attachers too often bear the full cost of pole replacements despite pole owners benefiting from newer poles. It urges the CPUC to align its cost sharing rules with FCC 2023 Order. Crown Castle argues that when a pole replacement is not solely caused by a new attachment, the attacher should not be required to pay the full cost.<sup>129</sup>

Extenet Systems agrees it is reasonable so long as the costs are allocated proportionately to the pole owner and attacher. It argues the attacher should not pay for any portion of the cost that is not solely necessitated by the proposed attachment.<sup>130</sup>

PG&E agrees that attachers should take on additional costs. It recommends attachers pay costs for pole replacements done before Rule 18 deadlines or when no compliance issue exists. It argues that pole owners should only pay to correct existing compliance issues, while attachers should cover added cost for expedited work, inaccurate notifications, or enhanced mitigations.<sup>131</sup>

Race supports attachers paying the cost for a pole replacement/reinforcement to accommodate new pole attachments, so long as the costs are shared on a *pro rata* basis by all attachers on the pole. It supports the cost allocation for documented administrative, material, and labor costs of the pole owner.<sup>132</sup>

SCE suggests that if a pole must be replaced to accommodate a new or modified attachment, the attacher must pay the full replacement cost as required by

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<sup>129</sup> Reply Comments of Crown Castle Fiber LLC, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 23, 2025 (“Crown Castle Reply Comments”) at pp. 9-10.

<sup>130</sup> Extenet Opening Comments at p. 8.

<sup>131</sup> PG&E Reply Comments at pp. 28-30.

<sup>132</sup> Race Opening Comments at pp. 5-6.

its Pole License Agreements, with no cost sharing by electric ratepayers. SCE also notes that attachers have alternatives to pole replacements, including buddy poles, undergrounding, or removing unused equipment.<sup>133</sup>

SDG&E recommends attachers bear all costs for pole replacement or reinforcement when done solely to accommodate a new or modified attachment on a pole that is otherwise compliant. SDG&E believes it is unfair for electric customers to bear these costs, and doing so would conflict with affordability objectives and could delay higher-risk work.<sup>134</sup>

Sonic opposes the Staff Proposal to have attachers bear additional costs, claiming that the responsibility, including costs, rests with the pole owner. It recommends pole owners reimburse attachers that pay for a replacement, if the replacement was necessary due to the pole owners failure to comply with GO 95.<sup>135</sup>

Surfnet recommends attachers pay for reinforcements when directly related to their attachment, and that pole owners pay for pole replacements. It claims that pole age and condition, not attachments, usually necessitate a replacement.<sup>136</sup>

**Question 4.4.2.5. For electric utilities, where does the revenue from renting space on utility poles to attachers go? How are these costs divided between ratepayers and shareholder division?**

Extenet Systems recommends the funds be kept in a specific account earmarked for pole maintenance. It asserts that penalties are not revenue and should not go to shareholders.<sup>137</sup>

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<sup>133</sup> SCE Opening Comments at p. 19.

<sup>134</sup> SDG&E Opening Comments at p. 12.

<sup>135</sup> Sonic Opening Comments at pp. 11-12.

<sup>136</sup> Opening Comments of Surfnet at p. 7.

<sup>137</sup> Extenet Opening Comments at p. 8.

PG&E explains that the revenue is included within Other Operating Revenues area for PG&E's General Rate Case (GRC) and reduces the rates charged to customers.<sup>138</sup>

SCE explains that the fees are forecasted in a GRC and classified as Other Operating Revenue, which flow to rate payers.<sup>139</sup>

SDG&E explains that the revenues are recorded in "Miscellaneous Revenues" which are forecasted in a GRC and reduces the revenue requirement needed from ratepayers.<sup>140</sup>

**Question 4.4.2.6. How should plans for pole replacements be communicated to potentially affected customers? Is there an existing standard for communication of this work to affected customers and do those standards need to be updated to include this use case? Should this be required even if there is no disruption to telecommunications or electric service?**

AT&T explains that companies have existing processes to notify customers of planned outages, even when the outages are for issues beyond the scope of the ROW Rules. AT&T is concerned that new rules may conflict with existing tariff provisions or CPUC Decisions.<sup>141</sup>

California Broadband and Video Association claims that this rule should apply only to electric customers because communications providers typically do not have a service disruption. For complex pole replacement, utilities already have a process to notify customers.<sup>142</sup>

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<sup>138</sup> PG&E Reply Comments at p. 30.

<sup>139</sup> SCE Opening Comments at p. 20.

<sup>140</sup> SDG&E Opening Comments at p. 12.

<sup>141</sup> AT&T Opening Comments at p. 10.

<sup>142</sup> California Broadband and Video Association Opening Comments at p. 18.

Extenet Systems recommends requiring the pole owner to notify all licensees about upcoming pole replacements. For jointly owned pole, it recommends the joint pole associations notify only the pole owners, not the licensees. Currently, Extenet Systems states that pole owners provide a 45-day notice for planned replacements, but often no notice for emergency replacements. It requests a minimum notice of 60 days for planned replacements, and seven days for emergency replacements, if possible, or as soon as possible. It recommends notices even if there is no anticipated service disruption.<sup>143</sup>

PG&E references existing processes to inform customers of work. It cites the need for a notification framework for replacements that are being performed under self-help provisions.<sup>144</sup>

Race says it typically provides one-week advance notice of maintenance work to impacted customers. It recommends that any disruption in service requires at least a week's notice, and suggests notices are unnecessary if services are not interrupted.<sup>145</sup>

SCE explains that pole replacements are communicated to customers via the Southern California Joint Pole Committee process involving the Joint Pole Authorization Form for joint owners, and via the Tenant Notification Process for licensees. SCE notes the presence of existing standards and claims there is no need for any updates. It believes that notices are required regardless of whether there is a disruption to telecommunication or electric services.<sup>146</sup>

SDG&E explains that its internal process for communicating construction-related matters to affected customers relies on confidential

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<sup>143</sup> Extenet Opening Comments at pp. 8-9.

<sup>144</sup> PG&E Reply Comments at pp. 30-31.

<sup>145</sup> Race Opening Comments at p. 7.

<sup>146</sup> SCE Opening Comments at p. 20.

information that is not accessible to attachers or their contractors. It claims that it is unreasonable to expect attachers to handle communications due to potential communication gaps, mishandling of customer information, and accountability issues.<sup>147</sup>

**Question 4.4.2.7. Should proposed additions to the ROW Rules (for pole replacement prioritization and self-help for attachers) be adopted/ Should any additional modifications be considered?**

California Broadband and Video Association supports the Staff Proposal for simple pole replacements. It generally supports proposed measures for complex pole replacements, but claims the proposed timing (one year) is excessive. It recommends adding a requirement for completing complex pole replacement within existing timeframes for make-ready work above the communications space. It suggests pole owners bear the costs of pole replacement if the pole was already out of compliance with GO 95.<sup>148</sup>

Crown Castle supports the proposed rules on pole replacement prioritization and self-help for attachers. It recommends revisions to the definitions of “simple” and “complex” to clarify when the self-help remedy is available. Crown Castle recommends using the type of attached electric lines to distinguish between simple vs complex; and proposes that poles with only secondary lines or service drops be considered simple, while those with primary electric lines be deemed complex.<sup>149</sup>

Extenet Systems supports proposed rules on pole replacement prioritization and self-help for attachers. It argues for use of reinforcement techniques, including

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<sup>147</sup> SDG&E Opening Comments at pp. 13-14.

<sup>148</sup> California Broadband and Video Association Opening Comments at pp. 13-14.

<sup>149</sup> Crown Castle Opening Comments at pp. 9-10.

trussing, to extend the life of a pole and avoid the expense and delay of pole replacements.<sup>150</sup>

PG&E opposes adoption of the Staff Proposal and recommends specific revisions.<sup>151</sup>

Race supports the Staff Proposal, but only if costs are shared in a fair manner.<sup>152</sup>

SCE opposes the proposed Sections IV.E.3.b and IV.E.3.c. If attachers are allowed to use contractors for “simple” replacements, SCE requests that such work be subject to Sections IV.H.2 and IV.H.8 requiring utility discretion and use of Qualified Electric Workers. It does not oppose adopting Section IV.E.3.a regarding enforcement but proposes several modifications.<sup>153</sup>

SDG&E recommends striking Section E — Self Help, Subsection 3 — Pole Replacement and Reinforcements from the proposed ROW Rules. SDG&E claims it is unreasonable to allow attachers to perform pole replacements or reinforcements under any circumstance due to risks to infrastructure, public safety, and customer relations. It supports pole owners completing the work within one year of a complete attacher request or providing a reasonable explanation for any delay beyond their control.<sup>154</sup>

Sonic generally agrees with the Staff Proposal regarding pole replacements and self-help, but suggests modifications regarding reimbursement of costs and shortening of the proposed one-year timeframe.<sup>155</sup>

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<sup>150</sup> Extenet Opening Comments at p. 9.

<sup>151</sup> PG&E Reply Comments at p. 30.

<sup>152</sup> Race Opening Comments at p. 7.

<sup>153</sup> SCE Opening Comments at p. 20.

<sup>154</sup> SDG&E Opening Comments at p. 14.

<sup>155</sup> Sonic Opening Comments at p. 14.

Surfnet generally supports the Staff Proposal with modifications to timelines and cost sharing.<sup>156</sup>

#### 4.4.3. Discussion and Findings

Based on the party comments and staff recommendations, we make amendments to Section IV.E.3 (SELF HELP REMEDY) of Proposed GO 178 as follows, and as depicted in Attachment A to this decision:

3. Pole **Replacements and Reinforcements** ~~replacements and reinforcements~~. Self-help shall ~~not~~ be available for pole *replacements under the following circumstances:*

*a. Reinforcement.*

1. ~~In instances wherein reinforcement will bring~~ *In instances where the incumbent utility approves a reinforcement and determines that the reinforcement will bring a proposed attachment into compliance, an attacher may utilize the Self-Help Remedy procedures outlined herein. However, the attacher must:*
  - i. Utilize the incumbent utility's approved contractors, subject to Section IV.H.2 and Section IV.H.8 regarding the use of third-party contractors.*
  - ii. Comply with relevant standards, processes, and procedures of the incumbent utility.*
  - iii. Coordinate with the incumbent utility to notify and inform affected customers of the work being performed.*

*b. Simple Pole Replacements.*

1. ~~In instances wherein a pole can be replaced with minimal disruption and without necessitating deenergization (e.g., does not have electric facilities or does not require deenergization),~~ *an attacher may utilize the Self-Help Remedy procedures outlined herein. However, the attacher must:*
  - iv. Utilize the incumbent utility's approved contractors, subject to Section IV.H.2 and Section IV.H.8 regarding the use of third-party contractors.*

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<sup>156</sup> Surfnet Opening Comments at p. 7.

- v. Comply with relevant standards, processes, and procedures of the incumbent utility.
  - vi. Coordinate with the incumbent utility to notify and inform affected customers of the work being performed.
2. An attacher utilizing the Self-Help Remedy for a simple pole replacement shall notify the pole owner when work is completed and the replacement pole is ready for inspection. The pole owner shall perform a final inspection of the installed new pole and identify any problems requiring remediation. ~~If no problems are identified, the pole owner shall formally accept the installation and relieve the attacher of liability for the installation.~~
- c. **Complex Pole Replacements.**
1. Self-help shall not be available for pole replacements that require a disruption of utility service.
  2. Pole owners are encouraged but not required to perform complex pole replacements within the time period requested by an attacher ~~± year~~ upon receipt of a complete request from an attacher.
    - ~~i. incumbent utility may require the attacher to pay for administrative costs related to expediting the replacement of the pole.~~
  3. Poles that only require replacement for the addition of new communications facilities (i.e., poles that are in compliance with safety requirements).
    - i. The attacher must pay for the costs of replacement.
    - ~~4.ii.~~ The attacher may request to negotiate these costs be offset in instances wherein the existing pole or support structure has limited useful life, recognizing there is a benefit to the pole owners for both the cost share and the expedited replacement of facilities that are already due replacement.

Because of the modifications that we have adopted, we will add the following Ordering Paragraphs to this decision:

- The Major Pole Owners shall record and report the number of attachment requests that are not accommodated due to the need for pole replacement. Reports shall be submitted to [CDcompliance@cpuc.ca.gov](mailto:CDcompliance@cpuc.ca.gov) annually for the next three years,

with the first report submitted one year from the effective date of this decision.

- The Major Pole Owners shall hold a workshop with all interested parties no later than 120 days from the issuance date of this decision. The Major Pole Owners shall have 60 days from the date of the workshop to submit Tier 3 Advice Letters setting forth the Standardized Self-Help Agreement requirement created in IV.E.4.

As for the ROW Rule Revision to Section IV.E.3. Pole Replacements, we have clarified that reinforcements must comply with GO 95 by adding “[utility] standards” to Sections IV.E.3.a.ii and IV.E.3.b.v., within the list of required compliance for self-help.

We have also added a provision requiring that pole replacements performed by approved contractors be subject to Sections IV.H.2 and IV.H.8, requiring utility discretion and use of Qualified Electric Workers consistent with CalOSHA Title 8, Subchapter 5, Section 2700.

However, we have removed the requirement to have pole owners replace overloaded poles within one year. We agree with the Major Pole Owners that this requirement does not consider the impacts to GO 95 as well as the electric investor-owned utility (IOU) GRCs. As such, we have replaced the requirement with language to encourage but not require pole owners to replace overloaded poles within the timeframe requested by attachers. While GO 95 may allow deferred maintenance, within reasonable constraints, there is still a benefit to expedited replacement of facilities that are due for replacement, especially if attachers offset the costs of these replacements. We encourage attachers and pole owners to negotiate the costs and terms that would make pole replacements occur on a mutually beneficial timeline.

Finally, for the self-help pole replacement process, we will require the Major Pole Owners to propose a master agreement/contract (and file as Tier 3 Advice Letter) that attachers and approved contractors must adhere to prior to pole

replacements. By including this requirement, the Commission has addressed the specific concerns from the Major Pole Owners that the terms and conditions for self-help require further detail.

#### **4.5. Conduit Data Reporting**

##### **4.5.1. ROW Ruling Background and Staff Proposal**

This proceeding was opened to investigate the feasibility of database requirements to enable the sharing of key pole attachment and conduit information. The Commission has adopted database requirements for poles and pole attachments for the state's Major Pole Owners.

The Commission previously issued a ruling that requested utilities that own and operate utility infrastructure to provide an overview of how they maintain information on their conduit infrastructure, the format in which this information is stored (including database type and data fields), and how they make this information available to other utilities upon request.

Since this proceeding was opened in 2017, new statutory requirements were enacted to require documentation of all subsurface installations. These regulations are overseen by the California Underground Facilities Safe Excavation Board, also known as the "Dig Safe Board." Of interest to this proceeding, are the provisions of California Government Code Sections 4216.3(a)(4) and (5) which require the following:

- (4) An operator shall amend, update, maintain, and preserve all plans and records for its subsurface installations as that information becomes known. If there is a change in ownership of a subsurface installation, the records shall be turned over to the new operator. Commencing January 1, 2017, records on abandoned subsurface installations, to the extent that those records exist, shall be retained.
- (5) Commencing January 1, 2023, all new subsurface installations shall be mapped using a geographic

information system and maintained as permanent records of the operator.

Per the Staff Proposal, party comments indicate that underground infrastructure is not shared to the extent that utility poles are shared. Additionally, parties assert there are existing statutory requirements for utilities to maintain records on past and present underground utility infrastructure. As such, staff believes it is reasonable to refrain from taking any action on this issue, given that the Dig Safe Board oversees subsurface installations. Party comments on this issue are discussed below.

#### **4.5.2. ROW Ruling Questions and Party Comments**

##### **Question 4.5.2.1. Is it reasonable to refrain from taking any action on requiring Commission jurisdictional utilities to maintain databases of their subsurface installations, given that subsurface installations are overseen by the Dig Safe Board?**

AT&T,<sup>157</sup> Race,<sup>158</sup> SCE,<sup>159</sup> and SDG&E<sup>160</sup> agree that it is reasonable to refrain from requiring any conduit database.

California Broadband and Video Association claims there is no need/benefit for a conduit database, pointing out that California Broadband members have not encountered delays in accessing conduit.<sup>161</sup>

Extenet Systems recommends the CPUC proceed with Phase 3 of this proceeding to develop an inventory of conduits.<sup>162</sup>

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<sup>157</sup> AT&T Opening Comments at p. 11.

<sup>158</sup> Race Opening Comments at p. 7.

<sup>159</sup> SCE Opening Comments at p. 21.

<sup>160</sup> SDG&E Opening Comments at p. 15.

<sup>161</sup> California Broadband and Video Association Opening Comments at p. 18.

<sup>162</sup> Extenet Opening Comments at p. 9.

PG&E agrees that it is reasonable to refrain from taking action on the subsurface database. It notes that underground infrastructure is not shared to the extent of utility poles, and that the creation of a subsurface database will require parties to incur additional costs.<sup>163</sup>

Sonic recommends the CPUC act on the issue of conduit access within this proceeding, reasoning that that service providers need efficient access to the same conduit information that utilities have (regardless of format) so attachers can determine available space and deploy fiber networks effectively.<sup>164</sup>

Surfnet agrees it is reasonable to refrain from taking action on the subsurface database.<sup>165</sup>

**Question 4.5.2.2. Alternatively, should conduit data reporting requirements be adopted? Should any additional modifications be considered?**

AT&T argues a conduit database would have little benefit and be costly and time consuming. AT&T points out that, in practice, conduit availability would still have to be confirmed prior to installation through a manhole visit.<sup>166</sup>

CTIA opposes conduit data reporting requirements, citing oversight by the Dig Safe Board, lack of basis/need, security risks, and adequacy of existing regulatory framework.<sup>167</sup>

PG&E opposes reporting requirements for conduit data.<sup>168</sup>

SCE suggests that the CPUC does not need to pursue conduit data reporting requirements.<sup>169</sup>

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<sup>163</sup> PG&E Reply Comments at p. 31.

<sup>164</sup> Sonic Opening Comments at pp. 14-16.

<sup>165</sup> Opening Comments of Surfnet at p. 7.

<sup>166</sup> AT&T Opening Comments at pp. 10-11.

<sup>167</sup> CTIA Opening Comments at p. 10.

<sup>168</sup> PG&E Reply Comments at p. 31.

<sup>169</sup> SCE Opening Comments at p. 21.

Sonic opposes reporting requirements for conduit data. It recommends adding access requirements for conduit to the ROW rules.<sup>170</sup>

Surfnet opposes reporting requirements for conduit data.<sup>171</sup>

#### **4.5.3. Discussion and Findings**

In light of the current oversight by the Dig Big Board, the Commission will refrain from imposing conduit data reporting requirements at present.

#### **4.6. Applicability of Rights-of-Way Rules to Local Governments and Other Utilities**

##### **4.6.1. ROW Ruling Background and Staff Proposal**

As explained, *supra*, D.98-10-058 adopted ROW Rules to govern nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned and operated by specified telephone companies and electric utilities.<sup>172</sup> The adopted rules govern access to public utility rights-of-way and support structures by telecommunications carriers, Commercial Mobile Radio Service (CMRS) carriers, and cable TV companies. D.98-10-058 did not apply the ROW Rules to other utilities under the Commission's authority, despite these utilities also having access to facilities within the states' various rights of way.<sup>173</sup>

Furthermore, in adopting the ROW Rules, the Commission determined it did not have the express statutory authority to regulate municipally-owned utilities and local governments concerning non-discriminatory access to their poles, ducts, conduits, and ROW Rules did not apply to facilities owned and operated by municipal utilities and local governments.<sup>174</sup> Increasingly, however, these public

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<sup>170</sup> Sonic Opening Comments at p. 16.

<sup>171</sup> Opening Comments of Surfnet at p. 7.

<sup>172</sup> D.98-10-058, COL 10.

<sup>173</sup> *Id.* (See Section III.A. Utility Categories Covered Under ROW Rules at pp. 14-16.)

<sup>174</sup> *Id.*, 34 and COL 10.

entities are deploying competitive communications networks offering broadband Internet access services for consumers. Deployment of these networks may require access to facilities owned by the Major Pole Owners and other IOUs regulated by the Commission. As such, the *December 2022 Ruling* requested party comment on whether government agencies receive nondiscriminatory access to the rights-of-way and support structures managed by utilities regulated by the Commission, and the Commission's authority (or lack thereof) to grant licenses and/or access rights to government agencies.

In comments to the *December 2022 Ruling*, the City and County of San Francisco (CCSF) explains that it could more easily expand its municipal fiber network (including to help to bridge the digital divide for underserved communities) with access to AT&T's ROW structures, but claims the restrictive agreements currently offered by AT&T would limit CCSF's use of the structures to internal communications only. CCSF cites the California Constitution and various other state laws that grant local governments the authority to provide communications services without a certificate of public convenience and necessity (CPCN) and argues that the Commission has broad authority to regulate public utilities and ensure nondiscriminatory access, including an expansion of the ROW rules to local governments. AT&T responds to CCSF's comments by asserting that CCSF's arguments lack legal support. Specifically, AT&T argues that the PU Code limits the Commission's authority to compel and regulate pole attachments to public utilities and cable TV corporations only. AT&T highlights that a county or municipality is not a public utility or cable TV corporation and references Pub. Util. Code Sections 767 and 767.5.

For these issues, the Staff Proposal has suggested the following revisions:

- Expand their applicability to include attachers that are government agencies. Staff believes that the proposed revisions do not require a new grant of authority by the Commission to government agencies, but instead merely

requires incumbent utilities to give equal non-discriminatory access to the government agencies that already possess constitutional authority to access the ROW.

- Add a definition for “government agency” that is consistent with California Government Code Section 53167 and encompasses: state agencies, cities, counties, community services districts, public utility districts, municipal utility districts, joint powers authorities, local educational agencies, sovereign tribal governments, and certain electrical cooperatives.
- Broaden the definition of entities that may attach to poles to reflect attachers not under the Commission’s jurisdiction. For example, the proposal adds a definition for “attacher” that includes “government agency” and “public utility,” in addition to the preexisting categories of telecommunications carrier, Commercial Mobile Radio Service (CMRS) carrier, and cable TV company.
- Expand the ROW rules to all other utilities under Commission’s jurisdiction that own or control support structures or ROW that may be used or useful for deploying communications infrastructure. These changes will also create more equitable rules across utility classes.

#### **4.6.2. ROW Ruling Questions and Party Comments**

##### **Question 4.6.2.1. Does the proposed definition of “Government Agency” include only entities with existing authority under the California Constitution and/or other laws to access and attach to ROW structures/facilities?**

Extenet Systems argues that municipalities are outside of the definition of “government agency” as currently defined by the Commission, and that municipalities are excluded due to their charters. It asserts that municipalities are required to comply with the technical requirements of the Commission’s ROW Rules and GO 95.<sup>175</sup>

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<sup>175</sup> Extenet Opening Comments at p. 10.

PG&E claims the proposed definition includes entities that do not have legal authority to attach, noting that the CPUC only authorized telecommunications carriers and cable TV companies. PG&E claims it is unaware of any law granting access to government entities, and requests that any legal principle relied upon to extend access be explicitly identified.<sup>176</sup>

Race argues the CPUC should not allow municipalities to discriminate in granting permits, easements, and access for service providers that may compete with municipal networks.<sup>177</sup>

SDG&E suggests the proposed definition appears to omit federal agencies (*e.g.*, Department of Defense) and state entities (*e.g.*, port or airport authorities). SDG&E supports nondiscriminatory access to its rights-of-way and support structures for government agencies if they agree to the terms of SDG&E standardized Pole Attachment License agreement.<sup>178</sup>

**Question 4.6.2.2. Will expansion of the ROW Rules to include attachers that are government agencies impact safety enforcement concerns? If so, how?**

AT&T recommends the CPUC confirm its authority to enforce GO 95 and ROW Rules (including dispute resolution) and other regulations against government agency attachers.<sup>179</sup>

PG&E argues that expanding the ROW Rules to include government agencies could increase safety risks. It is concerned that some government agencies may lack the budget, experience, or willingness to comply with GO 95 and utility standards.<sup>180</sup> PG&E agrees with AT&T that ROW Rules should not be expanded to include

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<sup>176</sup> PG&E Opening Comments at pp. 31-32.

<sup>177</sup> Race Opening Comments at p. 8.

<sup>178</sup> SDG&E Opening Comments at p. 15.

<sup>179</sup> AT&T Opening Comments at pp. 11-12.

<sup>180</sup> PG&E Opening Comments at p. 33.

government agencies, citing unresolved legal authority, enforcement, and reciprocity concerns.<sup>181</sup>

SDG&E explains that it has not observed a measurable difference in the implementation of inspection and maintenance practices or responsiveness to remediating safety hazards between attachers subject to the ROW Rules and those that are not.<sup>182</sup>

**Question 4.6.2.3. Should these proposed additions to the ROW Rules (regarding the applicability of ROW Rules to local governments and other utilities) be adopted? Should any additional modifications be considered?**

AT&T opposes expansion of access rights to government agencies and other entities that lack statutory authority or fall outside CPUC jurisdiction. It argues the CPUC may not have requisite authority, citing Public Utility Codes and previous CPUC Decisions.<sup>183</sup>

Bear Valley Electric Service, Inc. (Bear Valley) suggests that ROW rules should not apply to Small and Multi-Jurisdictional Utilities (SMJUs) because SJMUs were previously exempt, and because of the inequitable cost burden, small customer base, limited resources, and since they are following FCC rules. Bear Valley requests the current exemption be retained.<sup>184</sup>

California Broadband and Video Association recommends adding clarification that government agencies are subject to the same regulatory obligations and treatment as other attachers, including compliance with database requirements, safety rules (GO 95 and GO 128), and network resiliency requirements. It opposes

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<sup>181</sup> PG&E Reply Comments at p. 11.

<sup>182</sup> SDG&E Opening Comments at pp. 15-16.

<sup>183</sup> AT&T Opening Comments at pp. 11-12.

<sup>184</sup> Bear Valley Electric Service, Inc., Liberty Utilities LLC, and Pacificorp Opening Comments, *Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California, Investigation 17-06-027*, June 9, 2025 at pp. 7-10.

expanding ROW Rules to all utilities under CPUC jurisdiction that own/control support structures or ROW, because of high costs with minimal benefits. It notes that cable and other competitive providers own only a limited/dispersed number of poles, and access to that infrastructure is rarely necessary and/or already addressed through commercial agreements.<sup>185</sup>

Crown Castle argues the language distinguishing between rates for wireline and wireless attachments may have been inadvertently eliminated, specifically the proposal to delete Sections (B)(1)(b)(1) and (B)(1)(b)(3) of Rule VI — Pricing and Tariffs Governing Access. It urges the Commission to retain language establishing separate computations of annual recurring fees for wireline and wireless attachments.<sup>186</sup>

PG&E opposes the proposed additions. It claims government agencies currently do not have authorization to attach to poles, and that the CPUC must explicitly grant government agencies such authority. PG&E recommends that any granting of authority be conditioned on reciprocal access for private utilities and limited to communications attachments.<sup>187</sup>

Race suggests that if municipalities get full access to poles, they should be required to not discriminate in permitting, grants of easements, *etc.* Race claims that some municipalities require competitive communications providers, but not incumbent telephone companies and cable providers, to obtain local franchises or licenses in order to access public ROW or municipal-owned-poles.<sup>188</sup>

Sonic supports the proposed additions but urges the CPUC to also require that cities permit certificated carriers to place temporary poles in the ROW to bypass

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<sup>185</sup> California Broadband and Video Association Opening Comments at pp. 19-20.

<sup>186</sup> Crown Castle Opening Comments at pp. 10-11.

<sup>187</sup> PG&E Opening Comments at pp. 33-35.

<sup>188</sup> Race Opening Comments at p. 8.

overloaded poles. Sonic claims it would be highly unfair to allow cities to attach their own facilities while denying carriers like sonic the ability to place temporary poles for the same purpose.<sup>189</sup>

#### 4.6.3. Discussion and Findings

Based on the party comments and staff's recommendations, we first amend Section I. (PURPOSE AND SCOPE OF RULES) of Proposed GO 178 as follows, and as reflected in Attachment A to this decision:

These rules govern access to public utility rights-of-way and support structures ~~by telecommunications carriers, Commercial Mobile Radio Service (CMRS) carriers, and cable TV companies~~ in California. *These rules, and* are issued pursuant to the Commission's jurisdiction over access to utility rights-of-way and support structures under the Federal Communications Act, 47 U.S.C. § 224(c)(1) and subject to California Public Utilities Code §§ 767, 767.5, 767.7, 768, 768.5 and 8001 through 8057. *These rules apply to all utilities under the Commission's jurisdiction which own or control, or in combination jointly own or control, support structures or rights-of-way that may be used or useful, in whole or in part, for purposes of deploying communications infrastructure. These rules are to be applied as guidelines by parties in negotiating rights-of-way access agreements. Parties may mutually agree on terms which deviate from these rules, but in the event of negotiating disputes submitted for Commission resolution, the adopted rules will be deemed presumptively reasonable. The burden of proof shall be on the party advocating a deviation from the rules to show the deviation is reasonable, and is not unduly discriminatory or anticompetitive.*

Second, we amend Section II. (DEFINITIONS) of Proposed GO 178 as follows, and as reflected in Attachment A to this decision:

- B. *"Attacher" means any telecommunications carrier, Commercial Mobile Radio Service (CMRS) carrier, public utility, government agency, or cable TV*

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<sup>189</sup> Sonic Opening Comments at pp. 16-17.

*company with authority to attach to* **provide communications services utility structures.**

**B.C.** “Attachment” means any attachment *to surplus space, or use of excess capacity, by an attacher on or in any support structure owned, controlled, or used by a public utility.* ~~by a cable television system or provider of telecommunications service to a pole owned or controlled by a utility.~~

Third, we amend Section VI. (PRICING AND TARIFFS GOVERNING ACCESS) A. (GENERAL PRINCIPLE OF NONDISCRIMINATION) of Proposed GO 178 as follows, and as reflected in Attachment A to this decision:

1. A utility shall grant access to its rights-of-way and support structures to *attachers* ~~telecommunications carriers, CMRS carriers, and cable TV companies~~ on a nondiscriminatory basis. Nondiscriminatory access is access on a first-come, first-served basis; access that can be restricted only on consistently applied nondiscriminatory principles relating to capacity constraints, and safety, engineering, and reliability requirements. Electric utilities’ use of its own facilities for internal communications in support of its utility function shall not be considered to establish a comparison for nondiscriminatory access. A utility shall have the ability to negotiate with *an attacher* ~~telecommunications carrier, CMRS carrier, or cable TV company~~ the price for access to its rights-of-way and support structures.
2. A utility shall grant access to its rights-of-way and support structures to *attachers* ~~telecommunications carriers, CMRS carriers, and cable TV companies~~ on a nondiscriminatory basis, ~~access to or use of the right-of-way,~~ where such right-of-way is located on private property *and the proposed attachment complies with all relevant* safety, engineering, and reliability requirements. ~~Electric utilities’ use of their own facilities for internal communications in support of their utility function shall not be considered to establish a comparison for nondiscriminatory access. A utility shall have the ability to negotiate with a telecommunications carrier, CMRS carrier, or cable TV company the price for access to its rights-of-way and support structures.~~

3. *Nondiscriminatory access to utility rights of way and support structures shall be granted to attachers with appropriate authority to provide communications service access rights of way and support structures regardless of whether the attacher's authority is granted by the commission, state law, or federal law.*
  - a. *Incumbent utilities shall provide access to government agency attachers without CPCNs on the condition that the government agency attacher makes a binding commitment to comply with the Commission's General Order 95, General Order 128, and the requirements of this General Order. agrees to a contractual license agreement. The agreement shall obligate government attachers to comply with equivalent obligations for attachers imposed by the Commission relevant to the rights of way, attachments, and the requirements of this General Order. It shall also affirm government attachers' obligation to comply with statutory and regulatory requirements of general applicability in the state including the Commission's General Order 95 and General Order 128.*
  - b. *Government agency attachers receiving access under this section must wholly own and operate all attachments. To the extent a private corporation operates or leases any portion of the government agency communications attachments, the entity must have appropriate licensure.*
4. *No utility under the Commission's jurisdiction shall enter into agreements, contracts, or associations for the management of rights of way or associated support structures that knowingly or unknowingly violate the requirements of this General Order.*

Fourth, we amend Section VI. (PRICING AND TARIFFS GOVERNING ACCESS) B. (MANNER OF PRICING ACCESS) of Proposed GO 178 as follows, and as reflected in Attachment A to this decision:

1. Whenever a public utility cannot reach an agreement with *an attacher telecommunications carrier, CMRS carrier, or cable TV company,* or associations thereof, regarding the terms, conditions, or annual compensation for pole attachments or the terms, conditions, or costs of rearrangements, the Commission shall establish and enforce the rates, terms and conditions for pole attachments and rearrangements so as to assure a public utility the recovery of both of the following:

- a. A one-time reimbursement for actual costs incurred by the public utility for rearrangements performed at the request of the *attacher telecommunications carrier, cable TV company, or CMRS carrier*.
- b. An annual recurring fee computed as follows:
  - (1) Except as provided in Section 32 below, for each pole and supporting anchor actually used by the *attacher telecommunications carrier or cable TV company for wireline attachments*, the annual fee shall be two dollars and fifty cents (\$2.50) or 7.4 percent of the public utility's annual cost-of-ownership for the pole and supporting anchor, whichever is greater, except that if a public utility applies for establishment of a fee in excess of two dollars and fifty cents (\$2.50) under this rule, the annual fee shall be 7.4 percent of the public utility's annual cost-of-ownership for the pole and supporting anchor.
  - (2) ~~For each pole and supporting anchor actually used by a CMRS carrier, the annual fee for each foot of vertical pole space occupied by the CMRS installation shall be two dollars and fifty cents (\$2.50) or 7.4 percent of the public utility's annual cost-of-ownership for the pole and supporting anchor, whichever is greater. The per foot fee for CMRS installations is subject to the following conditions and limitations:~~
    - ~~(i) The vertical pole space occupied by each CMRS attachment shall be rounded to the nearest whole foot, with a 1-foot minimum.~~
    - ~~(ii) The 7.4% per foot fee applies to the pole space that a CMRS attachment renders unusable for non-CMRS attachments, including (A) the pole space that is physically occupied by the CMRS attachment; and (B) any pole space that cannot be used by communication and/or supply conductors due solely to the installation of the CMRS attachment.~~
    - ~~(iii) The 7.4% per foot fee applies to CMRS attachments anywhere on the pole.~~

- (iv) ~~—The 7.4% per foot fee applies once to each foot of pole height. If multiple CMRS pole attachments are placed on different sides of a pole in the same horizontal plane, the 7.4% per foot attachment fee shall be allocated to each CMRS attachment in the same horizontal plane based on the total number of attachments in the horizontal plane.~~
- (v) ~~The total pole attachment fees for all CMRS attachments on a particular pole shall not exceed 100% of the pole's cost of ownership, less the proportion of the pole's cost of ownership that is allocable to the pole space occupied by all other pole attachments.~~
- (vi) ~~—The 7.4% per foot fee does not apply to electric meters, risers, and conduit associated with CMRS installations.~~
- (3) For each pole and supporting anchor actually used by an *attacher* ~~telecommunications carrier for wireless attachments~~ **for wireless attachments**, the annual fee for each foot of vertical pole space occupied by the *attacher* ~~telecommunications carrier's wireless and wireline attachments~~ shall be two dollars and fifty cents (\$2.50) or 7.4 percent of the public utility's annual cost-of-ownership for the pole and supporting anchor, whichever is greater. The per-foot fee for the ~~telecommunications carrier's wireless and wireline~~ attachments is subject to the following conditions and limitations:
- (i) The vertical pole space occupied by each of the ~~telecommunications carrier's wireless and wireline~~ attachments shall be rounded to the nearest whole foot, with a 1-foot minimum.
  - (ii) The 7.4% per-foot fee applies to the pole space that the ~~telecommunications carrier's~~ attachment renders unusable for other pole attachments, including (A) the pole space that is physically occupied by the ~~telecommunications carrier's~~ attachment; and (B) any pole space that cannot be used by communication and/or supply conductors due solely to the installation of the ~~telecommunications carrier's~~ pole attachment.

- (iii) The 7.4% per-foot fee applies to ~~the telecommunications carrier's wireless and wireline~~ attachments anywhere on the pole.
  - (iv) The 7.4% per-foot fee applies once to each foot of pole height. If multiple pole attachments are placed on different sides of a pole in the same horizontal plane, the 7.4% per-foot attachment fee shall be allocated to each ~~telecommunications carrier~~ pole attachment in the same horizontal plane based on the total number of attachments in the horizontal plane.
  - (v) The total pole-attachment fees for all ~~telecommunications carrier~~ attachments on a particular pole shall not exceed 100% of the pole's cost-of-ownership, less the proportion of the pole's cost-of-ownership that is allocable to the pole space occupied by all other pole attachments.
  - (vi) The 7.4% per-foot fee does not apply to electric meters, risers, and conduit associated with ~~telecommunications carrier wireless~~ pole installations.
  - (vii) The annual fee in Section VI.B.1.b.1, above, shall apply to an *attacher* ~~telecommunications carrier~~ that has only wireline facilities attached to a pole, even if another *attacher* ~~telecommunications carrier~~ has wireless facilities attached to the same pole.
- (4)(3) For support structures used by the *attacher* ~~telecommunications carrier, CMRS carrier, or cable TV company~~, other than poles or anchors, a percentage of the annual cost-of-ownership for the support structure, computed by dividing the volume or capacity rendered unusable by the *attacher's* ~~telecommunications carrier's, CMRS carrier's, or cable TV company's~~ equipment by the total usable volume or capacity. As used in this paragraph, "total usable volume or capacity" means all volume or capacity in which an *attacher's* ~~the public utility's~~ line, plant,

or system could legally be located, including the volume or capacity rendered unusable by the *attacher's telecommunications carrier's, CMRS carrier's, or cable TV company's* equipment.

- c. Except as allowed by Sections VI.B.1.b.2 ~~and 3~~, above, a utility may not charge an *attacher telecommunications carrier, CMRS carrier, or cable TV company* a higher rate for access to its rights-of-way and support structures than it would charge a similarly situated *attacher cable television corporation* for access to the same rights-of-way and support structures.
- ~~d. Except as allowed by Sections VI.B.1.b.2 and 3, above, a utility may not charge a telecommunications carrier or CMRS carrier a higher rate for access to its rights-of-way and support structures than it would charge a similarly situated telecommunications carrier or CMRS carrier for access to the same rights-of-way and support structures.~~

Finally, we amend Section VI. (PRICING AND TARIFFS GOVERNING ACCESS), C. (CONTRACTS) of Proposed GO 178 as follows, and as reflected in Attachment A to this decision:

- 1. A utility that provides or has negotiated an agreement with an *attacher telecommunications carrier, CMRS carrier, or cable TV company* to provide access to its support structures *shall file with the Commission submit via CDcompliance@epuc.ca.gov* the executed contract showing:
  - a. The annual fee for attaching to a pole and supporting anchor.
  - b. The annual fee per linear foot for use of conduit.
  - c. Unit costs for all make-ready and rearrangements work.
  - d. All terms and conditions governing access to its rights-of-way and support structures.
  - e. The fee for copies or preparation of maps, drawings and plans for attachment to or use of support structures.

2. A utility entering into contracts with *an attacher* ~~telecommunications carriers, CMRS carriers, or cable TV companies or cable TV company~~ for access to its support structures, shall *submit file* such contracts with the Commission pursuant to General Order 96, available for full public inspection, and extended on a nondiscriminatory basis to all other similarly situated ~~attachers telecommunications carriers, CMRS carriers, or cable TV companies~~. ~~If the contracts are mutually negotiated and submitted as being pursuant to the terms of 251 and 252 of TA 96, they shall be reviewed consistent with the provisions of Resolution ALJ 174.~~
3. *A utility must make the contracts publicly available on its internet website.*
4. *Commission staff may post these agreements on the Commission's website for transparency.*

By making these amendments, the Commission confirms its intent that non-CPCN entities, such as government agencies, must be provided access to incumbent utilities ROW and support structures on the condition that they make a binding commitment to comply with the Commission's GO 95 (Overhead electric [an communications] line construction), GO 128 (Construction of underground electric supply and communication systems), and the requirements adopted by this decision. In doing so, the Commission relies on the general regulatory authority provided by Pub. Util. Code Section 701, quoted, *supra*, at footnote 15, and the specific authority provided by Pub. Util. Code Section 767, quoted, *supra*, at footnote 16, to include government agencies within the definition of "attacher" that should be granted ROW access.

As further support for this conclusion to grant government agencies ROW access to the Major Pole Owners' poles, the Commission relies on its general authority over utilities to order ROW access for entities such as government and tribal entities that provide broadband services. In taking such action, the Commission seeks to advance telecommunications competition and "encourage the

deployment... of advanced telecommunications,” as provided by 47 U.S.C. Section 1302(a) of the Federal Telecommunications Act.

The above amendments also address the Joint Pole Association’s concern that it could be used to circumvent Commission rules regarding ROW access. No utility under the Commission’s jurisdiction shall enter into agreements, contracts, or associations for the management of rights of way or associated support structures that knowingly or unknowingly violate the requirements of this decision or any applicable GOs regarding ROW access.

Finally, we reject the request of small, multi-jurisdictional utilities, “SMJUs,” Bear Valley (U 913 E), Liberty Utilities (Calpeco Electric) LLC (U 933 E), and Pacificorp (U 901 E) that they be exempt from these new ROW requirements. It is important to the objective of consistent regulatory oversight that all utilities must be treated uniformly under the Commission’s jurisdiction and ROW Rules. As the Commission has reverse preempted the FCC, it is immaterial that the “SMJUs” have maintained rules generally mirroring the FCC’s ROW Rules, since it is California’s rules that take precedence. Despite our preemption, we acknowledge that the Commission’s ROW Rules are similar to the FCC’s, and achieve the same objectives; therefore, it should not be a substantial burden for the SMJUs to adjust their operations to come into compliance with the Commission’s requirements. Our conclusion regarding the SMJUs’ ability to comply is buttressed by the fact that the SMJUs failed to provide any specific provisions that are burdensome, require tailoring, or exemption. Their claim of burden, then, is speculative and will not be given any weight.

#### **4.7. Overlashing**

##### **4.7.1. ROW Ruling Background and Staff Proposal**

The *December 2022 Ruling* requested party comment on the practice of “overlashing,” which is the process of physically tying additional cables to existing

cables on a utility pole to accommodate additional fiber or coaxial cables. The *December 2022 Ruling* questions sought to develop the record on whether California's existing ROW Rules would benefit from setting formal parameters, processes, and definitions for this practice.

Consistent with party comments on the *December 2022 Ruling*, the Staff Proposal to the *ROW Ruling* includes a new Section V in the ROW Rules that incorporates language from the FCC's overlying rules (Code of Federal Regulations Title 47. Telecommunication § 47.1.1415). These rules include stipulations on prior approvals; preexisting violations; 15-day advanced notice requirements; overlashers' responsibilities; and post overlying reviews.

#### **4.7.2. ROW Ruling Questions and Party Comments**

##### **Question 4.7.2.1. Should the CPUC adopt staff's proposal for overlying rules?**

California Broadband and Video Association supports the Staff Proposal to add FCC's overlying rules, and opposes more stringent overlying rules.<sup>190</sup>

- Crown Castle supports proposed overlying rules.<sup>191</sup>
- PG&E opposes the proposed overlying rules. It recommends attachers submit applications with the size and weight details for all overlappings, including wind loading. PG&E has concerns regarding safety risks and utility resources, including: the shift of responsibility from attachers to utilities; the requirement for documentation from utilities to deny unsafe overlappings; the prohibition on utilities recovering review costs; and, restrictions that only allow for after-the-fact notifications and inspections.<sup>192</sup> It agrees with SCE that attachers must obtain approval to overlap because a safety analysis is required before work can proceed.<sup>193</sup>

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<sup>190</sup> California Broadband and Video Association Opening Comments at pp. 20-21.

<sup>191</sup> Crown Castle Opening Comments at p. 10.

<sup>192</sup> PG&E Opening Comments at pp. 35-37.

<sup>193</sup> PG&E Reply Comments at pp. 11-12.

**Question 4.7.2.2. Should the CPUC consider any additional modifications to staff's proposal for overlashing rules?**

AT&T does not object to adding overlashing to ROW Rules, but recommends clarification that all overlashing attachments must be lashed to existing & approved attachments.<sup>194</sup>

Extenet Systems recommends the CPUC mirror the overlashing rules issued by the FCC.<sup>195</sup>

PG&E recommends striking Section V. If Section V remains, it recommends the CPUC address safety and financial considerations.<sup>196</sup>

SDG&E opposes the overlashing rules as proposed due to increased loading and safety hazards. It recommends treating overlashing as a new or altered attachment requiring full application review, incorporating it into the definition of "attachment," and allowing pole owners to charge application fees. It further recommends allowing third-party overlashing only if the third-party holds a license agreement with the pole owner and follows GO 95. Finally, SDG&E recommends that construction standards for overlashing be addressed by the GO 95 Rules Committee and the CPUC Electric Safety and Reliability Branch.<sup>197</sup>

Sonic does not oppose a streamlined overlashing processes. It suggests modifying the Staff Proposal to clarify that overlashing should not be allowed on poles that are already overloaded.<sup>198</sup>

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<sup>194</sup> AT&T Opening Comments at p. 12.

<sup>195</sup> Extenet Opening Comments at p. 11.

<sup>196</sup> PG&E Opening Comments at p. 37.

<sup>197</sup> SDG&E Opening Comments at pp. 16-18.

<sup>198</sup> Sonic Opening Comments at pp. 17-18.

### **4.7.3. Discussion and Findings**

We agree with PGE's recommendation to remove the proposed FCC Overlapping Rules entirely and treat overlapping attachment applications as regular attachment applications. Including the Overlapping Rules would be inconsistent with the Commission's safety requirements by allowing attachments regardless of preexisting safety violations. Additionally, the Overlapping Rules could unfairly shift costs to electric ratepayers/pole owners for performing any safety reviews and application processing.

### **4.8. Technical Cleanup to Rights-of-Way Rules**

While not requested by the *ROW Ruling*, some parties have proposed some minor cleanup to the ROW Rules.

#### **4.8.1. Party Comments**

AT&T recommends technical correction for proposed ROW Rules "Make-ready" Section IV.E.2 to reference "make-ready costs" and not "survey costs."<sup>199</sup>

Surfnet recommends requiring pole owners to acknowledge that the OTMR process was requested by an attacher. It recommends adding what happens if the utility does not respond to the attacher's invocation of the OTMR 15-day application review for simple make-ready projects (after the application is deemed complete).<sup>200</sup>

Crown Castle suggests the ROW Rules addressing "Manner of Pricing Access" in Section VI.B.1.b(1) and Section VI.B.1.b(1)(2) be amended to apply to attachers "for wireline attachments" and "for wireless attachments," respectively.<sup>201</sup>

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<sup>199</sup> AT&T Opening Comments at p. 12.

<sup>200</sup> Surfnet Opening Comments at p. 8.

<sup>201</sup> Crown Castle Opening Comments at p. 13.

#### 4.8.2. Discussion and Findings

Based on the party comments and staff recommendations, we will use the term “make-ready costs” instead of “survey costs” in Section IV. (REQUESTS FOR ACCESS TO RIGHTS-OF-WAY AND SUPPORT STRUCTURES), E. (SELF-HELP REMEDY) 2. of Proposed GO 178 as follows, and as depicted in Attachment A to this decision:

2. **Make-ready.** If make-ready is not complete by the date specified in paragraph (C) of this section, then a new attacher may conduct the make-ready in place of the utility and existing attachers, and, as specified in paragraph (H), hire a contractor to complete the make-ready. *Costs of such ~~survey~~ make-ready and subsequent contractor costs shall be assigned to the attacher.*
  - a. A new attacher shall permit the affected utility and existing attachers to be present for any make-ready. A new attacher shall use commercially reasonable efforts to provide the affected utility and existing attachers with advance notice of not less than 5 days of the impending make-ready. The notice shall include the date and time of the make-ready, a description of the work involved, and the name of the contractor being used by the new attacher.
  - b. The new attacher shall notify an affected utility or existing attacher immediately if make-ready damages the equipment of a utility or an existing attacher or causes an outage that is reasonably likely to interrupt the service of a utility or existing attacher. Upon receiving notice from the new attacher, the utility or existing attacher may either:
    - i. Complete any necessary remedial work and bill the new attacher for the reasonable costs related to fixing the damage; or
    - ii. Require the new attacher to fix the damage at its expense immediately following notice from the utility or existing attacher.
  - c. A new attacher shall notify the affected utility and existing attachers within 15 days after completion of make-ready on a particular pole. The notice shall provide the affected utility and existing attachers at

least 90 days from receipt in which to inspect the make-ready. The affected utility and existing attachers have 14 days after completion of their inspection to notify the new attacher of any damage or code violations caused by make-ready conducted by the new attacher on their equipment. If the utility or an existing attacher notifies the new attacher of such damage or code violations, then the utility or existing attacher shall provide adequate documentation of the damage or the code violations. The utility or existing attacher may either complete any necessary remedial work and bill the new attacher for the reasonable costs related to fixing the damage or code violations or require the new attacher to fix the damage or code violations at its expense within 14 days following notice from the utility or existing attacher.

In addition, we shall amend Section IV. (REQUESTS FOR ACCESS TO RIGHTS-OF-WAY AND SUPPORT STRUCTURES), F. (ONE-TOUCH MAKE-READY OPTION), 2. (Application Review on the Merits) of Proposed GO 178 as follows, and as depicted in Attachment A to this decision:

- 2. Application review on the merits.** The utility shall review on the merits a complete application requesting one-touch make-ready and respond to the new attacher either granting or denying an application within 15 days of the utility's receipt of a complete application (or within 30 days in the case of larger orders as described in paragraph (D) of this section).
  - a. If the utility denies the application on its merits, then its decision shall be specific, shall include all relevant evidence and information, internal design, construction and maintenance standards, supporting its decision, and shall explain how such evidence and information relate to a denial of access for reasons of lack of capacity, safety, reliability, or engineering standards.
  - b. Within the 15-day application review period (or within 30 days in the case of larger orders as described in paragraph (D) of this section), a utility may object to the designation by the new attacher's contractor that certain make-ready is simple. If the utility objects to

the contractor's determination that make-ready is simple, then it is deemed complex. The utility's objection is final and determinative so long as it is specific and in writing, includes all relevant evidence and information supporting its decision, made in good faith, and explains how such evidence and information relate to a determination that the make-ready is not simple.

*c. Failure of the utility to respond within required period of time shall be deemed acceptance of the application.*

In making these edits, we agree with AT&T's recommendation to use "make-ready costs" and not "survey costs."

We also agree with Surfnet that there should be an end date to the application approval process. Thus, we have added the provision that if the utility does not respond to the attacher's OTMR application by the required review period for simple make-ready projects, the application shall be deemed accepted.

Finally, the Commission edits the definition of "telecommunications carrier" to clarify which entities are within the scope of the GO 178 adopted by this decision. In Attachment A. II. DEFINITIONS, the definition of "telecommunications carrier" is amended as follows:

Telecommunications carrier" generally means any provider of telecommunications services that has been granted a certificate of public convenience and necessity (CPCN) by the California Public Utilities Commission (Commission). The definition of "telecommunications carrier" includes Competitive Local Exchange Carriers (CLEC) *and Interexchange Carriers (IEC)* that have been granted a CPCN by the Commission to provide facilities-based competitive local exchange service. *The definition of "telecommunications carrier" also includes facilities-based carriers that provide Voice over Internet Protocol services.* These rules, however, exclude *non-facilities-based providers and IECs that have not been granted a CPCN by the Commission-interexchange carriers* from the definition of "telecommunications carrier."

These edits are necessary to acknowledge that (1) the Commission issues CPCNs for full-facilities based CLEC and IEC service; and (2) the Commission licenses VoIP telecommunications service.

## **5. Petitions for Modification**

### **5.1. Major Pole Owners and Joint Pole Attachers Petition for Modification of Decision 21-10-019**

In their *Petition for Modification (Joint Petition)*, the Joint Pole Owners and Joint Pole Attachers (Petitioners) seek to modify D.21-10-019 in the following ways: (1) Data Points 8 and 11 be provided for all existing and future attachments; (2) for all existing pole attachments that were subject to the pole loading retention requirements specified in GO 95, Rule 44 and for all future pole attachments, either (a) the information required for Phase 2 Data Points 6-7, 9-10, and 12-17 be provided as individual data points; or (b) the Pole Loading Calculation performed for those attachments be provided. Petitioners claim that these proposed modifications have the potential to make the Major Pole Owner databases more comprehensive.

Petitioners also ask the Commission to clarify the IOU reimbursement process and to adjust the compliance dates to tie them to a Commission decision on the *Joint Petition*, as opposed to within 12 months of the Phase 2 Joint Workshop Report deadline, which is September 9, 2025. Petitioners assert that clarifying the IOU funding mechanism will enable the electric utilities (SDG&E, PG&E, and SCE) to secure sufficient funding to implement the Track 2 Decision requirements without defunding other operation and maintenance programs and activities necessary for the safe and reliable operation of the electric system.

These requested modifications fall into three categories: (1) GRC cost recovery; (2) extension of time; and (3) Track 2, Phase 2 data reporting requirement changes, which we will now address.

GRC Cost Recovery: Petitioners ask that Pole Owners subject to a GRC shall have the option to utilize a reimbursable memorandum account to recover costs incurred to comply with supplying the data points identified in Attachment A to this decision, and the costs to develop the pole databases described in Ordering Paragraph 2. Additionally, Petitioners ask that Pole Owners subject to a GRC be given the option of seeking a disposition of these memorandum accounts by a Tier 2 Advice Letter or through their respective GRCs.

The Commission rejects this request to predetermine costs for utilities subject to GRCs. Whether utilities prudently implemented D.21-10-019 should be reviewed in detail before any cost recovery is allowed, especially in light of the Petitioners' claims regarding the costs of compliance, which they estimate to be in excess of \$650 million. To the extent the utilities seek reimbursement through their respective GRCs, they shall demonstrate that their compliance was provided as cost efficiently as possible. In the interim, the utilities subject to GRCs should track their costs in their memorandum accounts which shall then be offered as proof as reasonableness in their respective future GRCs.

Extension of Time: We decline to grant the blanket requested extension of time as the deadline has passed. Instead, any further extensions of time will be subject to the Compliance Plan Advice Letter process that we detail below.

**Track 2, Phase 2 Data Reporting Requirement Changes**: The Commission has decided to provide additional pathways for compliance with D.21-10-019, Ordering Paragraph 9, as follows:

- **Option 1**: Provide the data as required by D.21-10-019. The deadline for compliance with Decision 21-10-019, Ordering Paragraph 9, is extended, as modified by the Executive Director, to one year to June 9, 2027 unless the utility elects to submit a Compliance Plan according to the provisions below.
- **Option 2**: Provide specified Track 2, Phase 2 Datapoints *and* a Pole Loading Calculation:

- 1) The Commission will maintain the requirement that utilities provide specific data for specified Phase 2 Datapoints: 6 (Attachment Location on Pole), 7 (Pole Attachment Elevation), 8 (Attachment Description), and 11 (Grade of Construction).
- 2) A Pole Loading Calculation may be used to comply with the requirement to provide specific data for Datapoints: 9 (Attachment Dimensions), 10 (Attachment Weight), 12 (Conductor Tension), 13 (Cable Tensile Strength), 14 (Cable Average Span Length), 15 (Wind Loading on the Attachment), 16 (Vertical Loading), and Data Point 17 (Bending Moment due to the Attachment).
  - The Pole Loading Calculation must be stored and accessible in the respective pole owner attachment database.
  - The Pole Loading Calculation must substantially include this information.
  - The Pole Loading Calculation may be used to satisfy these data reporting requirements for these specific datapoints for all attachments included in the Pole Loading Calculation.
  - The Pole Loading Calculation must include the date it was created.
  - We reject the proposal to limit the obligation to provide attachment data for poles where Pole Loading Calculations were generated since GO 95, Rule 44 was adopted. It is likely that some data exists before that requirement was adopted in 2009 or can be extracted from existing data sets.
- **Option 3:** File a Tier 2 Advice Letter with a Compliance Plan.
  - If compliance is not expected to be possible within the timeline provided, the utility must file a Tier 2 advice letter within 90 days from the issuance date of this Decision with a Compliance Plan outlining steps and time needed to comply.
    - Identify specific number of attachments and data fields that cannot be readily provided.

- Compliance should leverage existing data sources over performing more expensive field inspections. Commission staff will review for reasonableness, taking into account the number of attachments and data points at issue, the compliance strategies proposed, the length of time needed to comply, costs, and the quality of existing data.
- The Compliance Plan shall address fulfillment of Phase 2 Data Points 7, 9, 10, and 12–17 (attachment elevation, dimensions, weight, conductor tension, tensile strength, average span length, wind loading, vertical loading, and bending moment) the Compliance Plan shall propose a prioritized schedule for attachments on poles in HFTD Tier 2 and Tier 3 areas.
- The Compliance Plan shall include an annual reporting requirement. The pole-owner must submit to Commission staff (via CDcompliance@cpuc.ca.gov) an annual report tracking progress against the targets set forth in the Compliance Plan, identifying any material deviations from those targets, and proposing corrective actions where applicable.
- Commission staff may deny the advice letter proposal and instead refer to the Commission additional remedial actions or other programmatic or reporting changes via staff resolution, including, but not limited to, a third-party auditor and compliance monitor to oversee compliance at the utility's expense.
- The Commission authorizes staff to put forward an enforcement framework setting forth terms, conditions, and processes for hiring a 3rd party audit of utility practices and compliance monitor. The audit and compliance monitor shall be hired at the utility's expense. The utility shall comply with audit requirements. The Commission believes this will more effectively result in an enhanced and more compliant process than potentially levying sizeable fines.

Because of the above modifications, the Commission will add the following new Ordering Paragraphs to D.21-10-019:

- New OP: Databases shall account for stratification of data by retaining the version history of data and documents by including a timestamp for when existing data is modified and, if applicable, a timestamp for when the Pole Loading Calculation was performed. This will account for changes that will occur over time due to maintenance and One-Touch Make-Ready processes.
- New OP: Each of the Major Pole Owners shall upload each newly generated Pole Loading Calculation to their respective database within 30 days of completing the Pole Loading Calculation.

## **5.2. Sonic Telecom, LLC's Petition for Modification of Decision 22-10-025**

*Sonic's Petition for Modification (Sonic Petition)* asks the Commission to clarify D.22-10-025's pole attachment rules in a way that (1) effectively requires pole owners to remediate preexisting violations fast enough for attachers to obtain access to poles within 45 days of the pole owner's receipt of a complete pole attachment application, and (2) imposes new transparency obligations for remediation plans and schedules. Sonic frames the request as necessary to prevent pole owners from delaying remediations beyond 45 days and up to months or years. As justification for its position, Sonic highlights PG&E's "conditional approval" practice, where pole access is contingent on PG&E's remediation work. Sonic alleges that PG&E is using "conditional approvals" to improperly deny pole access for months or years.<sup>202</sup>

Sonic also argues that OTMR rules require pole owners to provide access on poles with preexisting violations by completing necessary remediation within 45 days. Sonic states, "Read together, the only legitimate conclusion is that these rules require...necessary remediation work within 45 days..."<sup>203</sup>

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<sup>202</sup> *Sonic Petition* at pp. 15-16

<sup>203</sup> *Id.*, at p. 14.

SDG&E “shares some of [Sonic’s] concerns” but does not support the *Sonic Petition* and requests a more balanced approach. SDG&E emphasizes GO 95, Rule 18 prioritization and warns that a strict 45-day deadline could “divert resources away from more urgent safety-related tasks.”<sup>204</sup>

PG&E opposes the *Sonic Petition* and argues that Sonic is trying to create a new 45-day remediation mandate. PG&E highlights Rule 18 and resource/cost constraints, stating that Rule 18 was intended “to establish an auditable maintenance program... and a method to prioritize corrective actions” for GO 95 violations.<sup>205</sup>

SCE opposes the *Sonic Petition*, characterizing a 45-day remediation requirement as extremely unrealistic, and argues Sonic’s proposed language would nullify OTMR’s deviation mechanism. SCE argues the 45-day accept/deny provision is about application processing and not about completing pole replacements.<sup>206</sup>

AT&T opposes the *Sonic Petition* and argues that it seeks “significant modifications...not a clarification” on issues that should be addressed in the normal course of the proceeding. AT&T also emphasizes that the GO 95, Rule 18 remediation intervals do not require that all nonconformances be remedied in 45 days.<sup>207</sup>

To place the *Sonic Petition* and the opposition thereto in their proper context, it will be helpful to provide a brief summary of D.22-10-025. This decision adopted OTMR requirements to facilitate and accelerate pole attachment deployments in California to help expand broadband access, thereby promoting safety and competition. D.22-10-025 explains that the purpose of its OTMR/pole attachment

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<sup>204</sup> SDG&E Response, June 30, 2025, at p. 1.

<sup>205</sup> PG&E Response, June 30, 2025, at p. 14.

<sup>206</sup> SCE Response, June 30, 2025, at pp. 7-10.

<sup>207</sup> AT&T Response, June 30, 2025, at pp. 2-4.

rules is to implement “a transparent and efficient pole attachment process” that gives new attachers more options and control.<sup>208</sup> Relevant provisions include:

- Utilities must respond to requests as quickly as possible and within 45 days of receipt of a complete application.<sup>209</sup>
- A utility may not deny an attacher access to poles, or delay completion of make ready work, due to preexisting violations (not caused by the new attacher’s prior attachments).<sup>210</sup>
- For make-ready work, utilities may deviate from specified time limits for “good and sufficient cause,” but must provide a detailed explanation and a new completion date. The deviation must last no longer than necessary.<sup>211</sup>

D.22-10-025 also states that a utility must respond in writing to a request for access as quickly as possible by granting or denying access within 45 days of receiving a complete application.<sup>212</sup> The utility’s response must state whether access is granted or denied. If denied, the response must be specific and include supporting evidence/information and explain how it relates to the denial for capacity, safety, reliability, or engineering reasons. Also, the rules state that failure to respond within 45 days is deemed an acceptance.

The Commission adopted OTMR rules to reduce friction and delays in pole attachments while protecting safety and advancing broadband deployment. Sonic’s concerns are directly related to these issues, and its “conditional approval” allegation against PG&E is a key concern, as the practice, if true, is not aligned the Commission’s intentions/goals.

At the same time, however, we do not reject the pole owners’ concerns outright. GO 95, Rule 18 already includes rules for the scheduling of remediation

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<sup>208</sup> D.22-10-025 at p. 2.

<sup>209</sup> *Id.*, Attachment A at p. A-7.

<sup>210</sup> *Id.*, Attachment A at p. A-8.

<sup>211</sup> *Id.*, Attachment A at p. A-17.

<sup>212</sup> *Id.*, Attachment A at p. A-7.

work. Also, for certain make-ready work, the OTMR rules allow for schedule deviations where “good and sufficient cause” exists, then requiring additional documentation and a new completion date.

After weighing all considerations, we reject the *Sonic Petition*. A blanket “45-day remediation requirement” for all pre-existing violations would risk: (1) creating a conflict with Rule 18’s prioritization requirements and the safety/cost considerations; (2) creating operational infeasibility and increased disputes or requests for exceptions, as claimed by the pole owners; and (3) skewing costs and responsibilities among pole owners, ratepayers, and attachers beyond what the Commission intended in D.22-10-025.

Even without endorsing Sonic’s 45-day remediation requirement, the Commission stresses that it has already decided that a utility may not deny access (or delay make-ready work) due to a preexisting violation not caused by the new attacher. If pole owners are effectively withholding access via “conditional approvals” or unclear remediation timelines, a credible argument can be advanced that existing OTMR protections are not being implemented in a way that supports the Commission’s goals/intentions, and the Commission reserves the right to institute any necessary enforcement action at either the Commission or staff level.

But because this may continue to be a concern for attachers, the Commission instructs staff to seek additional data to investigate the issue by requiring pole owners and attachers to provide aggregated metrics on (1) the volume/percentage of requests affected by preexisting violations; (2) the time from request to remediation completion (by Rule 18 category where applicable); and (3) the use of “conditional approval” or similar responses to attachment requests, if any.

## **6. Summary of Public Comment**

Rule 1.18 allows any member of the public to submit written comments in any Commission proceeding using the “Public Comment” tab of the online Docket Card for that proceeding on the Commission’s website. Rule 1.18(b) requires that

relevant written comments submitted in a proceeding be summarized in the final decision issued in that proceeding.

One public comment was received, which provides general support for the comments filed by Sonic in these proceedings. As this decision resolves the issues raised by Sonic and the other responding parties, it is unnecessary to address this public comment separately.

## **7. Conclusion**

When the Commission opened these proceedings, it did so with the intent to ascertain the feasibility of creating a shared database or statewide census of the over 5 million utility poles and conduit in California. As our investigation proceeded, and as a result of party comments and discussions, we realized that due to different record keeping systems and terminologies utilized by each of the Major Pole Owners that a singular shared database or census was not practical.

The Commission adjusted its focus on requiring the Major Pole Owners to collect and maintain the same categories of information about their utility poles (D.20-07-004), and the attachments affixed thereto (D.21-10-019). By imposing these requirements, the Commission placed itself in a position to intelligently determine what energy and telecommunications systems were impacted by catastrophic fires, how those companies could work together to see that those services could be restored, how public safety could be enhanced against the prospect of future catastrophic wildfires, and how the Commission could best streamline the process for attachers to have access to the utility poles (D.22-10-025).

By adopting these amended ROW Rules, the Commission takes a major step in providing fair and equitable access to utility poles so that California's goal of broadband expansion can be achieved.

## **8. Procedural Matters**

This decision affirms all rulings made by the ALJ and assigned Commissioner in this proceeding. All motions not ruled on are deemed denied.

## **9. Comments on Proposed Decision**

The proposed decision of Commissioner John Reynolds in this matter was mailed to the parties in accordance with Pub. Util. Code Section 311 comments were allowed under Rule 14.3. Comments were filed on April 30, 2026 by Frontier and Verizon, PacifiCorp, AT&T, California Broadband & Video Association, Consolidated, Small LECs, Joint IOUs, CTIA, and Sonic, and reply comments were filed on May 5, 2026 by Frontier and Verizon, AT&T, California Broadband & Video Association, Small LECs, Joint IOUs, CTIA, and Sonic.

### **9.1. Summary of Comments**

#### Frontier and Verizon

Frontier and Verizon make the following comments:

- Extend the compliance deadline for submission of “Track 2” pole database data points for one year until June 9, 2027, to accommodate the new Pole Loading Calculation (“PLC”) option and the “Compliance Plan.”
- Remove the expanded penalty and reporting requirements in Section VI(D) of the Proposed G.O. relating to pole database compliance, which put “incumbent utilities” in the improper and burdensome position of policing updates to pole attachment data from attachers.
- Clarify the “self-help” mechanism in Section III(E) of the Proposed G.O. to confirm whether incumbent approval is needed and provide procedures for such approval if that is the intended process.
- Replace the Tier 3 advice letter procedure in Section III(E) of the Proposed G.O. regarding self-help agreement approvals and instead utilize a Tier 2 process.

PacifiCorp Comments on behalf of Small and Multi-Jurisdictional Utilities (SMJUs)

PacifiCorp makes the following comments:

- SMJUs are fundamentally dissimilar from Major Pole Owners in size and operational structure;
- The Commission has consistently exempted SMJUs from ROW and comparable regulatory frameworks;
- There is no evidence of discriminatory access, safety deficiencies, or attachment-related problems associated with SMJUs;
- Extending GO 178 to SMJUs would impose disproportionate costs on small ratepayer populations without offsetting benefits; and a cost-benefit analysis and/or a workshop are necessary predicates to any such expansion.
- PacifiCorp asks that the Commission revise the Proposed Decision to continue exempting Small and Multi-Jurisdictional Utilities from General Order 178 or defer any consideration of expanded SMJU obligations to a dedicated SMJU-focused track that allows for the development of a complete record including a formal feasibility and cost-benefit analysis, workshop(s), and targeted record development specific to SMJUs.

AT&T

AT&T makes the following comments:

- The Proposed Decision extends access rights to government agencies without ensuring adequate Commission enforcement authority;
- The Proposed Decision could be read to improperly shift liability from attachers to pole owners in the self-help pole replacement process;
- The Proposed Decision creates ambiguity regarding attacher data obligations;
- The Proposed Decision deletes critical “guidelines” language from the ROW Rules without basis or explanation;

- The Proposed Decision mandates a one-size-fits-all Standardized Self-Help Agreement that conflicts with the Commission’s longstanding preference for negotiated agreements; and
- The Proposed Decision fails to provide attachers with a reasonable extension of the compliance deadline for Ordering Paragraph 9 of D.21-10-019.

California Broadband and Video Association

California Broadband and Video Association makes the following comments:

- The Proposed Decision should clarify that attachment reports should include only fully resolved unauthorized attachments—not ongoing disputes, investigations, or allegations.
- The Proposed Decision should eliminate the Attachment Data Enforcement Rule. The Commission should strike this rule because it is unnecessary, ambiguous, violates attachers’ due process rights, and exceeds the Commission’s authority. The Proposed Decision’s conclusions constitute legal error. *See* Section II.B.
- The Commission should adopt the Proposed Decision’s Contractor Transparency Rules. These rules will help attachers identify qualified contractors and ensure that pole owners vet and onboard approved contractors in a timely manner. *See* Section II.C.
- The Commission should adopt the Proposed Decision’s Construction Standards Rules. These measures should be adopted because they will enhance transparency and promote accountability. *See* Section II.D.
- The Commission should adopt Self-Help Remedies for Simple Pole Replacements. The Commission should adopt the Proposed Decision’s measures allowing attachers to utilize self-help remedies for simple pole replacements. *See* Section II.E.

- The Commission should require Complex Pole Replacements to be Completed Within 135 Days of Receipt of an Attacher’s Request. The Commission should require pole owners to complete complex pole replacements within 135 days of receiving an attacher’s request; the Proposed Decision lacks factual support to remove a defined timeframe. *See* Section II.E.
- The Commission should remove the Utility Approval Requirement for Pole Reinforcement Self-Help Modifications. The Commission should adopt self-help remedies for pole reinforcement; there is no valid basis for such a requirement given the substantial guardrails already in place, which constitutes a factual error. *See* Section II.F.
- The Commission should ensure a Level Playing Field in Applying Proposed GO 178 to Local Governments. To better promote equitable access to poles, the Commission should require government agencies seeking infrastructure access to comply with *all* statutory or regulatory requirements applicable to other attachers. The Proposed Decision commits legal error because it falls short of establishing a true level playing field for all attachers. *See* Section II.G.
- The Commission should adopt the Staff Proposal’s Overlapping Recommendation. The Commission should adopt overlapping rules similar to those established by the Federal Communications Commission (“FCC”), which have proven effective in facilitating safe deployment. The Proposed Decision’s conclusions constitute factual and legal error. *See* Section II.H.

#### Consolidated Communications

Consolidated makes the following comments:

- Confirm that the Pole Loading Calculation (“PLC”) alternative compliance pathway in Ordering Paragraph 4 of the Proposed Decision is available to all utilities subject to D.21-10-019, and that utilities not subject to the Major Pole Owner database repository obligation in Ordering Paragraph 6 may

nonetheless use PLCs to satisfy the applicable Track 2, Phase 2 Datapoint requirements;

- Clarify that the incumbent utility approval requirement in Section IV.E.3.a of Proposed G.O. 178 is a substantive engineering gatekeeping right that may be exercised on safety, reliability, and engineering grounds, and limit the scope of the self-help reinforcement rule to the Major Pole Owners given the apparent lack of a record reflected in the Proposed Decision that would be necessary to support the application of the new rule to smaller pole owners; and
- Amend Section IV.E.4 of G.O. 178 or Ordering Paragraph 3 to confirm that the obligation to develop and file the Standardized Self-Help Agreement falls exclusively on the five Major Pole Owners.

#### Small LECs

Small LECs make the following comments:

- Extend the deadline for compliance with the “Track 2” pole database requirements to at least 60 days after the issuance date of the final decision stemming from the Proposed Decision.
- Restore language to the “purpose and scope” section of Proposed G.O. 178 characterizing the rules as “guidelines” to be applied “by parties in negotiating right of way access agreements” as opposed to rigid requirements.
- Remove language from the definitions in Proposed G.O. 178 classifying the Small LECs as “incumbent local exchange carriers,” reverting to the original definition that applied exclusively to large and mid-sized Incumbent Local Exchange Carriers regulated according to the Uniform Regulatory Framework.

Joint IOUs' (SDG&E, SCE, and PG&E)

The Joint IOUs make the following comments:

- The Proposed Decision incorrectly states that historical attachment data certainly exists.
- The Proposed Decision should clarify the language regarding discrete data points; strike the system of record requirement; the timestamp requirement for data changes and OTMR conflicts should be modified or stricken; clarification for timing of implementation of Options 2 and 3.
- ROW Changes
  - Expanded reporting obligations will increase rates
  - Remove the public disclosure of qualified utility contractors
  - Increase the timing of the self-help workshop
  - Timing for approval and onboarding of contractors
  - Don't expand Row rules to government agencies

CTIA

CTIA makes the following comments:

- The Commission should decline to adopt Proposed Rule IV.D.5 because it would empower pole owners to penalize attachers for alleged noncompliance with the data reporting and unauthorized attachment rules. The Proposed Decision's changes to that rule do not resolve the multiple concerns that CTIA and many other parties raised, including that it would unlawfully delegate the Commission's enforcement and penalty powers to pole owners.
- Adopt the Proposed Decision's changes to Rules IV.H and IV.I to require that pole owners make publicly available all changes to their list of qualified contractors and changes to their access, design, construction, and maintenance standards. If such changes were allowed to take effect

immediately, they would disrupt attachers' efforts to deploy and maintain attachments. The Commission should thus:

- Add a 30-day advance notice requirement for utilities' changes to approved contractor lists and contractor qualifications, so that changes will not take effect until at least 30 days after they become publicly available.
- Add the same 30-day period before utilities' published changes to their access, design, construction, and maintenance standards take effect.
- Require that all standards must be consistent with Commission rules.
- Direct that a workshop be convened to address whether local governments and other government agencies should be defined as attachers.
- Grant the *Petition for Modification* of the Track 2 Decision that attachers and pole owners filed in July 2025.

#### Sonic

Sonic makes the following comments:

- Recommends that the fines for unauthorized attachments remain at \$500, as it claims there is no evidence that this amount is inadequate to act as a deterrent.
- Claims that the proposed GO 178 provisions regarding pole reinforcements, replacements, and self-help are too vague and unenforceable.
- Sonic requests the following changes:
  - Section IV.E: substitute "pole owner" for "incumbent utility"
  - Section IV.E.3: add "reinforcements" to first sentence; expand to include possibility that pole owner can complete work on timely basis, and/or decides to delegate required work to attacher
  - Section IV.E.3: Reinforcement approval should be automatic (objective standards), not left to pole owner discretion; also define cost responsibility (pole owner pays when fixing

preexisting violations; costs split when attacher's new attachment triggers the need)

- Section IV.E.3: Complex pole replacements should have a defined timeline (up to one year maximum)
- The Standardized Self-Help Agreement process needs CPUC-run workshops and formal comment periods, not open-ended negotiation
- Agrees that a full database is unnecessary.
- Asks that Major Pole Owners provide attachers with efficient access to existing conduit records in whatever form they exist.
- Sonic requests workshops to produce:
  - Defined remediation timeframes for non-compliant poles
  - An exception process for extenuating circumstances
  - Transparency requirements on remediation status
  - A clear dispute-resolution process
  - Cost-sharing and self-help guidance

## **9.2. Discussion**

In reviewing the comments, the main topics that they raise concern whether the Commission should extend the Track 2 compliance deadline; proposed modifications to the Self-Help provisions; the legality of the expanded attacher definition and the ramifications for GO 178's enforcement, especially with respect to the sovereign immunity status enjoyed by Native American tribes; whether the proposed GO 178 ROW Rules are mandatory or guidelines; and the financial impact of compliance with the ROW Rules on ratepayers. This discussion section will address these concerns. We also note that the comments raise other objections and concerns, wordsmithing requests, and ask that the Commission make additional modifications to the proposed GO 178. All such remaining objections, suggestions,

and concerns not addressed by this decision are deemed denied. (*See In Re Pac. Gas & Elec. Co.* (Feb. 17, 2000) 199 P.U.R.4<sup>th</sup> 177 [Decision 00-02-046].)

Comments can be grouped into two categories: pole attachment database and Rights-of-Way Rules.

### **9.2.1. Pole Attachment Database**

- Issue 1: Joint Petition for Modification of D.21-10-019

The Joint IOUs argue the Proposed Decision should fully grant the *Joint Petition for Modification (Joint PFM)* rather than offer new/alternative compliance pathways. They argue: (a) Phase 2 data points are not available for most existing attachments; (b) D.22-10-025's OTMR framework created new regulatory gaps; and (c) compliance costs exceeding \$650 million outweigh any safety or competitive benefits.

The Joint IOUs also disagree with the Proposed Decision's statement that data "certainly exists" before GO 95 Rule 44's 2009 effective date, "or can be extracted from existing data sets." They argue this is unsupported by the record and inconsistent with historical utility construction and record-keeping practices.

### **Discussion and Recommendations**

As the genesis and record of this proceeding confirms, utility record-keeping practices are poor, and this lack of accountability has too often precipitated disastrous consequences. Despite this, utilities continue to counsel against compliance and accountability. Specifically, these utilities continue to provide extraordinary projected compliance estimates that assume the most exorbitant strategies for compliance, and disregard strategies aimed at reducing projected costs as proposed in this Decision. At this juncture, whether or not utility estimates are credible will be determined through the compliance process with specific evidentiary showings, staff review, and potential third-party audits.

The evidentiary record, specifically at party comments and the Phase 2 Workshop Reports, supports the position that the required data points are not

specifically maintained as discrete database fields aligned with Track 2 data requirements. However, fully granting the *Joint PFM* would effectively eliminate any near-term data collection obligations for “legacy” poles that predate the GO 95 Rule 44 PLC requirement (until and unless future work requires a new PLC), which is contrary to the Commission’s goal of creating *comprehensive* databases to support broadband deployment, competition, and pole safety.

Assertions on this issue are overstated. The Joint IOUs admit “that information for older poles resides in scanned or hard-copy work orders, as-built drawings and material lists, historical pole cards, and archived files stored off-site (*e.g.*, Iron Mountain).”<sup>213</sup> They frame the potential retrieval of that data as being unjustifiably burdensome and costly. While the sheer number of poles in California dictates that there will be a cost component for compliance, the evidentiary record is underdeveloped for the Commission to undertake a meaningful cost assessment. This issue will need to be addressed in the staff review of Compliance Plans submitted by utilities and when each rate-regulated utility seeks to recover its costs in its subsequent GRC or other appropriate venue before the Commission and attempts to substantiate the necessity for and the reasonableness of the costs.

The Joint IOUs also assert that the information/documents for legacy poles “do not contain all of the data points required by Phase 2 of the Track 2 decision.”<sup>214</sup> However, they do not specify which data points are missing from those documents, nor what datapoints would need to be revised or removed to enable compliance. Receiving information on specific data field requirements as part of the Compliance Plan process will inform potential modifications that will enable the Commission to craft tailored solutions.

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<sup>213</sup> Joint IOU Opening Comments, April 30, 2026, at p. 4.

<sup>214</sup> *Ibid.*

The Joint PFM proposal does not adequately address legacy poles without PLCs, therefore it is inadequate. The Option 3 to allow pole owners to submit a Compliance Plan will allow for pole owners to propose solutions to address this gap to ensure fulfillment for legacy poles through tailored solutions and additional time. The requirements for the Compliance Plan are augmented to require they specifically address fulfillment as follows:

Data Points 6, 8, and 11 are required to be submitted by the regular compliance deadline, as modified herein, for all poles. These data points are essentially classification-level information that describes what is on a pole at a categorical level. These data points are not inputs to or outputs from a PLC and they represent basic information on attachments. Further, provision of Data Points 8 and 11 is uncontested in the PFM, and utilities should generally be able to determine the location of their attachment on a pole.

- Datapoint 6 (Location of attachment on pole (e.g., within comm. zone, pole top, cross arm, pole mount, etc.) is likely feasible from existing records.
- Datapoint 8 (Attachment Description, e.g., cable, messenger, antenna, etc.) is also likely feasible from existing records.
- Datapoint 11 (Grade of Construction) is a pole-level attribute and is known to and set by the pole owner and should not require new engineering.

The remaining Data Points 7, 9, 10, and 12 to 17 for all legacy poles. These data points are inputs to or outputs from a PLC: attachment elevation, dimensions, weight, conductor tension, tensile strength, average span length, wind loading, vertical loading, and bending moment. They likely require either field measurement, manufacturer specifications, or design records, and they may not be readily available for legacy poles without either a PLC or a field visit. This group is where costs are likely concentrated and where compliance might be more nuanced.

We will additionally require that Compliance Plans propose a tiered prioritization coupled with minimum completion targets. Compliance plans shall provide priority to attachments located in High Fire Threat District (HFTD) Tier 2 and Tier 3 areas. California's wildfire crisis makes structural data on poles in fire-prone areas the most safety-critical use case for the database. These poles represent a defined, mappable population available from the Commission's existing HFTD maps. For example, Compliance Plans can propose full compliance on an expedited basis. Many utilities are already conducting pole inspection and reinforcement work in HFTDs as part of their wildfire mitigation plans, offering a significant opportunity to synergize the work efforts currently underway and their attendant costs. The remaining legacy poles are brought into full compliance at a specified rate for each 12-month period following adoption of the Decision, such that all poles are in full compliance within a set number of years.

Finally, we will require Compliance Plans to include annual reporting so the Commission can track progress, identify underperformers, and intervene before coverage is materially off-track.

- Issue 2: Discrete Data Points

The second new proposed Ordering Paragraph to D.21-10-019 would require that “[a]ll new PLCs performed for new installations or modifications must be stored as discrete, structured, and machine-readable data points” within the pole attachment databases. The Joint IOUs argue this requirement undercuts the Proposed Decision's own proposal to allow PLCs as a compliance vehicle, because it mandates extraction of individual data fields from those PLCs into separate database records.

### **Discussion and Recommendations**

We agree that requiring manual extraction of discrete data points from PLCs potentially conflicts with Option 2 (using PLCs to satisfy Phase 2 obligations). The Proposed Decision's intent, as described in its narrative, is that PLCs themselves

serve as the compliance tool rather than require that PLC data be separately disaggregated.

The Decision will clarify that submission and retention of a time stamped PLC document satisfies the data point requirements for Phase 2 compliance. The Decision will also require that the specific requirement to store data as “discrete, structured, and machine-readable data points” will be modified to apply only to attachments that do not utilize a PLC for compliance for specified datapoints.

- Issue 3: System of Record Requirement

The Proposed Decision requires that each Major Pole Owner “shall use their respective pole attachment databases as their official repository and system of record for all future Pole Loading Calculations.” The Joint IOUs argue this is incompatible with existing utility asset management architecture (SAP, GIS, work management systems), would create cybersecurity and data governance risks, undermine data integrity, and impose significant ongoing ratepayer costs.

### **Discussion and Recommendations**

The Commission partially agrees with the Joint IOUs’ concerns. That said, the Commission has a legitimate interest in ensuring PLCs are not siloed in proprietary systems inaccessible to attachers, government entities, or Commission staff. Rather than designate the pole database as the authoritative system of record, we require that PLCs performed for new or modified attachments be uploaded to the pole database in a timely manner. This preserves the utility’s enterprise architecture while ensuring the database reflects current conditions.

As such, we will modify the requirement as follows: utilities need not designate the pole database as their system of record but must upload each new PLC to the pole database within 30 days of completion. We will strike the “system of record” language and substitute it with a timely (30-day) requirement to upload PLCs.

- Issue 4: Timestamp Requirement for Data Changes and OTMR Conflicts

The Proposed Decision requires that databases retain version history by including a timestamp when existing data is modified and when new data is uploaded, intended to address OTMR rearrangements that may alter another party's attachment data without a corresponding update by the attachment owner.

### **Discussion and Recommendations**

The Joint IOUs state there is ambiguity in whether the Proposed Decision's intention is for (a) periodic database snapshots or (b) field-level timestamps. We agree that field-level timestamps present implementation challenges. The PLC-based approach can resolve this concern; each OTMR rearrangement requires a new PLC, which contains an inherent timestamp. However, the OTMR data accountability gap is a concern that the Commission should address.

We will adopt a hybrid approach: we will require that any PLC uploaded to the pole database include the date of the PLC, which serves as a timestamp for the new/modified attachment configuration and the pole's updated status. For utilities not using PLC option for specified datapoints, a data modification timestamp remains appropriate.

- Issue 5: Compliance Timing for Options 2 and 3

The Joint IOUs state that the Proposed Decision provides three compliance pathways but does not specify a compliance deadline for Option 2. For Option 3, a Tier 2 Advice Letter must be filed within 60 days of the decision's effective date, which would fall after the existing June 9, 2026, deadline under D.21-10-019. The Joint IOUs are concerned that utilities choosing Options 2 or 3 could be found out of compliance before the new pathways are operative.

### **Discussion and Recommendation**

This is a legitimate procedural concern stemming from the timing of the adoption of a final Decision. Thus, we will extend the compliance deadline, as modified by the Executive Director, from June 9, 2026, to June 9, 2027.

Utilities that have determined compliance is not possible within this time period are required to file a Compliance Plan. Compliance plans must be filed within 90 days of adoption of a final Decision.

#### **9.2.2. Rights-of-Way Rules (GO 178)**

- Issue 6: Annual Reporting on Unauthorized Attachments

The Proposed Decision adopts an annual compliance filing requirement where utilities must report info/stats on unauthorized attachments to the Commission. The Joint IOUs argue this imposes new administrative burdens without improving resolution timelines or safety outcomes.

### **Discussion and Recommendation**

The Commission has an interest in monitoring the prevalence of unauthorized attachments as part of its oversight of ROW issues. Annual reporting will give the Commission visibility into systemic issues and industry-wide trends. As such, the Commission will maintain this requirement.

- Issue 7: Self-Help for Simple Pole Attachments

The Proposed Decision's edits to GO 178 include adding:

“In instances wherein a pole can be replaced with minimal disruption (e.g., does not have electric facilities or does not require deenergization), an attacher may utilize the Self-Help Remedy procedures outlined herein.”

Here, the Proposed Decision authorizes a self-help remedy allowing attachers to perform “simple pole replacements” where a pole can be replaced with “minimal disruption.”

The Joint IOUs argue the provision, as written, could permit self-help on poles with energized electric facilities, creating safety and liability risks. They request the Commission: (1) prohibit self-help for any pole bearing electric facilities or requiring deenergization, or alternatively, (2) modify the GO 178 language to expressly limit simple pole replacements to poles with no electric facilities and no deenergization requirement.

### **Discussion and Recommendations**

The Commission generally agrees with the Joint IOU's overarching concerns on this issue and believes clarification is warranted. The existing "minimal disruption" language could be interpreted to allow self-help in situations involving deenergization infrastructure. However, the Commission disagrees with the Joint IOUs' alternative language options because they are too restrictive. Instead, we will modify the Proposed Decision and GO 178 Section IV.E.3.b.1 to expressly state that self-help for simple pole replacements is not available for poles that would require deenergization.

- **Issue 8: Self-Help Pole Replacement Liability**

The Joint IOUs argue the proposed Self-Help Pole Replacement framework creates inequitable liability exposure because after an attacher replaces a pole, the utility inherits long-term ownership, inspection, and maintenance obligations for an asset it did not specify, procure, or install. They request the Proposed Decision specify that the standardized self-help agreement must include full indemnification, immediate defense obligations, insurance, and bonding requirements exceeding typical pole attachment arrangements. They also request that Section IV.E.3.b.2 (which allows a utility's post-installation inspection to relieve the attacher of liability) be stricken.

### **Discussion and Recommendations**

The Commission agrees that an indemnification framework is important for any self-help pole replacement framework. Utilities will inherit lifecycle ownership

of assets they did not procure or install, and post-installation inspections may not be able to catch all defects. That said, the Joint IOUs appear to agree that this issue can be resolved under the standardized self-help agreement (to be developed by the pole owners and submitted as a Tier 3 Advice Letter for Commission review and approval).

The Commission also agrees that the standardized agreement should include enhanced indemnification, immediate defense obligations, and bonding requirements. We will direct pole owners to develop a self-help agreement that includes sufficient indemnification, immediate defense, enhanced insurance, and bonding requirements. The new section IV.E.3.b.2 will strike the sentence, “If no problems are identified, the pole owner shall formally accept the installation and relieve the attacher of liability for the installation.” Separately, the section IV.E.4 requires Standardized Self Help Agreements to “specify indemnity, liability, and dispute resolution provisions consistent with this General Order.”

- Issue 9: Self-Help Workshop Timing

The Proposed Decision requires Major Pole Owners to hold a workshop with all interested parties within 60 days of the decision’s issuance to develop a standardized self-help agreement. The Joint IOUs request an extension to 120 days to allow for coordination across engineering, operations, legal, regulatory, and IT functions simultaneously engaged in Track 2 pole database implementation.

### **Discussion and Recommendations**

The Joint IOUs’ request is reasonable. The period immediately following the adopted Decision will likely require coordination and planning across different teams. While we established the 60-day window to minimize delay in implementing the self-help remedy, we believe that goal can still be achieved with a 120-day workshop timeline. However, we will retain the 60-day post-workshop deadline for Tier 3 Advice Letter filings.

- Issue 10: Public Disclosure of Utility Contractor Lists

Proposed GO 178 Section IV.H.1 would require utilities to maintain and publicly post on their websites lists of contractors qualified to perform make-ready work and attach facilities on the utility's support structures. The Joint IOUs argue public posting creates safety risks, operational risks, and administrative risks.

### **Discussion and Recommendations**

We disagree with the Joint IOUs that public posting of electric utility contractor lists is inappropriate and creates significant risks. While contractor qualifications for electric infrastructure work can be scope-specific, the public list can categorize qualifications based on the class of work. The publicly posted list can include information to convey the necessary distinctions. The Proposed Decision shall maintain the proposed GO 178 Section IV.H.1 as is.

- Issue 11: Contractor Approval and Onboarding Timeline

The Proposed Decision requires that utilities have 30 days to approve contractors proposed by attachers, plus an additional 14 days to complete contractor "onboarding." The Joint IOUs argue 30 days is insufficient given the complexity of contractor vetting (which can take months even for the utilities' own contractor approval processes), and that the "onboarding" language is ambiguous and potentially reads as requiring utilities to onboard attacher-hired contractors as utility vendors.

### **Discussion and Recommendations**

The Commission agrees that both points are well-taken. First, 30 days is likely insufficient for a thorough contractor safety and qualification review. Second, the 14-day "onboarding" language should be clarified or deleted. Thus, we will: (1) extend the contractor approval timeline from 30 to 120 days, with the clock beginning upon receipt of a complete application package; and (2) delete the "14

additional days for contractor onboarding” language from Sections IV.H.4 and IV.H.5.

- Issue 12: Expansion of ROW Rules to Government Agencies

The Proposed Decision expands the ROW rules to government agency attachers (who do not hold CPCNs) on condition that the agency make a binding commitment to comply with GO 95, GO 128, and GO 178. The Joint IOUs flag that a contractual commitment to comply with the Commission’s General Orders in a license agreement may not be sufficient to confer Commission jurisdiction over municipalities.

The Joint IOUs and other parties also raise concerns about the applicability and enforceability of such rules with respect to Native Tribes enjoying sovereign immunity.

AT&T argues a "binding commitment" to a pole owner cannot substitute for real Commission enforcement jurisdiction. The Commission holds fines up to \$100,000/offense under Pub. Util. Code §§ 2107–2108. AT&T contends that pole owners lack this enforcement power. AT&T urges the Commission to require government entities to waive sovereign immunity and submit to Commission enforcement.

Joint IOUs (PG&E, Edison, SDG&E) warn that a commitment made in a pole license agreement may not translate to Commission jurisdiction over Tribes or municipalities. They want any commitment made directly to the Commission, with express consent to Commission jurisdiction. They aim to free themselves of the responsibilities and costs of enforcement.

CalBroadband supports Tribal inclusion but wants government attachers held to the same data-reporting and regulatory obligations as commercial carriers (including D.21-10-019 attachment data requirements).

### **Discussion and Recommendations**

The Proposed Decision revises which entities are covered by the ROW Rules under the new GO 178. Private utilities will be required to provide "sovereign Tribal governments" and "Government Agencies" with nondiscriminatory access to an IOU's ROW without needing a CPCN. Many Tribal lands in California are rural and unserved or underserved by broadband. Access to existing utility pole infrastructure (rather than installing new poles) is often the fastest and most cost-effective deployment path. The Proposed Decision's Tribal inclusion directly advances this goal.

By including Tribal governments within the scope of these ROW Rules, we acknowledge that they enjoy sovereign immunity status, and nothing that we adopt today infringes upon the rights and privileges that flow therefrom. Instead, the ROW Rules we adopt are designed to provide uniform Rules with pathways that apply to all attachers, including sovereign Tribal governments and Government Agencies. To the extent issues arise between Tribal entities, local governments, and pole owners, the Commission can address those issues in consultation with the government entities and pole owners as part of the Commission's continued oversight and jurisdiction over pole right of way issues.

#### Issue 13: Attachment Data Enforcement Authorization and Unauthorized Attachment Reporting

Various parties raise concerns with the proposal to expand incumbent utilities' penalty authority and reporting requirements in Section VI(D) of the Proposed G.O. relating to pole database compliance, suggesting that it puts "incumbent utilities" in the improper and burdensome position of policing updates to pole attachment data from attachers. Similar concerns are also raised in regard to the enhanced reporting requirements and increased penalty amount for unauthorized attachments.

### **Discussion and Recommendations**

As discussed above, our position is unchanged. The central objective of these rules is to improve utility infrastructure accountability, both for attachers that utilize incumbent utility infrastructure and for pole owners that must permit and manage attachments and attachment owners. Improving compliance through better reporting, enforcement, and penalties is essential to achieving this objective.

- Issue 14: Applicability of GO 178

SMJUs and the Small LECs alike contend that extending GO 178 to their utilities would be unprecedented, impose disproportionate costs, and is not warranted. Further, some parties oppose the Proposed Decision removing language first adopted in the original ROW Rules describing the rules as "guidelines," and allowing negotiated deviations.

### **Discussion and Recommendations**

The original ROW Rules were adopted to address the natural power imbalance between incumbent utilities and potential attachers that seek access to incumbent utility infrastructure and rights-of-way. The record of this proceeding is sufficient to illustrate that anticompetitive conduct continues to occur. And in particular, the rural regions of the state where SMJUs and Small LECs serve as the incumbent utilities are likely to have poor broadband access and to receive public funds for broadband investment. It is essential that any attachers that seek to deploy broadband networks in these areas have the protections afforded by these proposed rules.

Further, as we recast the ROW Rules as a general order, it is no longer advisable to permit incumbent utilities to undermine these rules through negotiated deviations. Historically, the Commission has heard complaints from would-be attachers that the process and rules to qualify for attachment permission have been opaque and applied inconsistently. Making the ROW Rules mandatory rather than guidelines will hopefully eliminate these complaints. Furthermore, providing clarity

and consistency will also help expedite the process for meeting California goal of providing greater broadband access to rural and underserved communities.

#### **10. Assignment of Proceeding**

John Reynolds is the assigned Commissioner and Robert M. Mason III is the assigned ALJ to these proceedings.

#### **Findings of Fact**

1. When the Commission opened this OII/OIR, there was no shared data repository to track pole locations, attachments, their condition, or their ownership.

2. Pole information databases will assist the Commission in ascertaining if poles and attachments are poorly maintained, and if such a state of maintenance is the cause or contributing cause behind fires throughout California that have resulted in substantial property damage and repeated loss of life.

3. Some Major Pole Owners complain that they have noticed unauthorized pole attachments to their utility poles dating back to 1998.

4. Some Major Pole Owners assert that approximately 25 percent of denied pole access applications have resulted in unauthorized attachments by applicants.

5. PG&E asserts that, due to increased labor costs to initiate, track, and follow-up on attachment issues, the existing penalty amount is an ineffective deterrent and doesn't provide PG&E with sufficient funds to administer its program.

6. Some communications attachers have complained about delays in replacing overloaded utility poles, which causes delays in deploying broadband infrastructure.

7. Some communications attachers have complained that delays in replacing overloaded utility poles may result in additional project costs, make projects infeasible, and may hinder the achievement of California's broadband deployment objectives.

8. For existing poles out of compliance with GO 95, Rule 18-B, no new attachments to these poles may be made until the poles are repaired or replaced.

9. Public utilities are deploying competitive communications networks that offer broadband internet access services for consumers.

10. There are instances where public utilities may need access to the ROW and support structures owned by the IOUs regulated by the Commission to deploy their competitive communications networks.

11. Some public utilities claim that they could expand their municipal fiber network if they had greater access to AT&T's ROW structures.

### **Conclusions of Law**

1. It is reasonable to conclude that existing data and enforcement requirements related to ROW Rules should be modified.

2. It is reasonable to conclude that ROW Rules should be modified to improve the transparency of contractor work requirements.

3. It is reasonable to conclude that ROW Rules should be modified to enhance greater access to all pole attachers.

4. It is reasonable to conclude that the ROW Rules should be modified to improve the standards for pole owners to process attacher applications.

5. It is reasonable to conclude that the ROW Rules should be modified to provide greater transparency for all internal design, construction, and maintenance standards.

6. It is reasonable to conclude that the ROW Rules should be modified to improve Major Pole Owner record-keeping and reporting requirements for attachment requests that are not accommodated because of the need for pole replacement.

7. It is reasonable to conclude that the Commission should not, as part of the ROW Rules, adopt additional conduit data reporting requirements.

8. It is reasonable to conclude that the ROW Rules should be modified so that government agencies must be provided access to utility poles in a manner consistent with GO 95, GO 128, and this decision.

9. It is reasonable to conclude that the FCC Overlapping rules should not be included in the ROW Rules.

10. It is reasonable to conclude that the *Petition for Modification of D.21-10-019* should be denied, but that additional ordering paragraphs should be included to provide greater clarity.

11. It is reasonable to conclude that the *Petition for Modification of Sonic Telecom, LLC of D.22-10-025* should be denied.

## O R D E R

### IT IS ORDERED that:

1. General Order 178: Rules Governing Rights-of-Way in California, as set forth in Attachment B, which updates and amends the “Adopted Amendments to the Rights-of-Way Rules (redline)” that the Commission adopted in Decision 22-10-025 (*Decision Adopting One-Touch Make-Ready Requirements*) is adopted.

2. The Major Pole Owners (Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, AT&T Services, Inc., and Frontier) shall record and report the number of attachment requests that are not accommodated due to the need for pole replacements. Reports shall be submitted to [CDcompliance@cpuc.ca.gov](mailto:CDcompliance@cpuc.ca.gov) annually for the next three years, with the first report submitted one year from the effective date of this decision.

3. The Major Pole Owners (Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, AT&T Services, Inc., and Frontier) shall hold a workshop with all interested parties **60 no later than 120** days from the issuance date of this decision. The Major Pole Owners shall have 60 days from the date of the workshop to submit Tier 3 Advice Letters setting forth the Standardized Self-Help Agreement required by Attachment A to this decision, IV.E.4.

4. Decision 21-10-019, Ordering Paragraph 9, is modified to permit utilities to provide specified Track 2, Phase 2 Datapoints and a Pole Loading Calculation as follows:

- (a) Utilities must provide data for specified Phase 2 Datapoints: 6 (Attachment Location on Pole), 7 (Pole Attachment Elevation), 8 (Attachment Description), and 11 (Grade of Construction) by the general Phase 2 compliance deadline, as modified.
- (b) A Pole Loading Calculation may alternatively be used to comply with the requirement to provide specific data for Datapoints: 7 (Pole Attachment Elevation), 9 (Attachment Dimensions), 10 (Attachment Weight), 12 (Conductor Tension), 13 (Cable Tensile Strength), 14 (Cable Average Span Length), 15 (Wind Loading on the Attachment), 16 (Vertical Loading), and Data Point 17 (Bending Moment due to the Attachment).
- (c) The Pole Loading Calculation must be stored and accessible in the respective pole owner attachment database and substantially include Track 2, Phase 2 Datapoints not otherwise provided as discrete or individual data point submissions.
- (d) The Pole Loading Calculation may be used to satisfy these data reporting requirements for these specific datapoints for all attachments included in the Pole Loading Calculation.
- (e) The Pole Loading Calculation must include the date it was created and updates to datapoints not contained within the Pole Loading Calculation must include a corresponding data modification timestamp.

5. Decision 21-10-019, Ordering Paragraph 9, is modified to permit utilities to File a Tier 2 Advice Letter with a Compliance Plan as follows:

- a) The deadline for compliance with Decision 21-10-019, Ordering Paragraph 9, is extended to one year to June 9, 2027 unless the utility elects to submit a Compliance Plan according to the provisions below.

- b) If compliance is not expected to be possible within the timeline provided, the utility must file a Tier 2 advice letter within ~~60~~ 90 days from the issuance date of this Decision with a Compliance Plan outlining steps, strategies, costs and time needed to comply. The plan must identify the specific number of attachments and data fields that cannot be readily provided. The plan should leverage existing data sources over performing more expensive field inspections.
- c) The Compliance Plan shall address fulfillment of Phase 2 Data Points 7, 9, 10, and 12-17 (attachment elevation, dimensions, weight, conductor tension, tensile strength, average span length, wind loading, vertical loading, and bending moment) the Compliance Plan shall propose a prioritized schedule for attachments on poles in HFTD Tier 2 and Tier 3 areas.
- d) The Compliance Plan shall include an annual reporting requirement. The pole-owner must submit to Commission staff (via CDcompliance@cpuc.ca.gov) an annual report tracking progress against the targets set forth in the Compliance Plan, identifying any material deviations from those targets, and proposing corrective actions where applicable.
- e) Commission staff shall review the Compliance Plan for reasonableness, taking into account the number of attachments and data points at issue, the compliance strategies proposed, costs, the length of time needed to comply, and the quality of existing data.
- f) Commission staff may deny the advice letter proposal and instead refer to the Commission additional remedial actions or other programmatic or reporting changes via staff resolution, including, but not limited to, a third party auditor and compliance monitor to oversee compliance at the utility's expense.
- g) The Commission authorizes staff to put forward an enforcement framework setting forth terms, conditions, and processes for hiring a 3rd party audit of utility practices and compliance monitor. The audit and compliance monitor shall be hired at the utility's expense. The utility shall comply with audit requirements. The Commission believes

this will more effectively result in an enhanced and more compliant process than potentially levying sizeable fines.

6. Decision 21-10-019 is modified with the inclusion of the following new

Ordering Paragraphs:

- Databases shall account for stratification of data by retaining the version history of data and documents by including a timestamp for when existing data is modified ~~and new data is uploaded and, if applicable, a timestamp for when the Pole Loading Calculation was performed.~~ This will account for changes that will occur over time due to maintenance and One-Touch Make-Ready processes.
- Each of the Major Pole Owners (Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, AT&T Services, Inc., and Frontier) shall ~~use their respective pole attachment databases as their official repository and system of record for all future Pole Loading Calculations (PLC). All new PLCs performed for new installations or modifications must be stored as discrete, structured, and machine-readable data points within these databases. upload each newly generated Pole Loading Calculation to their respective database within 30 days of completing the Pole Loading Calculation.~~

7. Investigation 17-06-027 and Rulemaking 17-06-028 are closed.

This order is effective today.

Dated May 14, 2026, at San Francisco, California.

JOHN REYNOLDS

President

DARCIE L. HOUCK

KAREN DOUGLAS

CHRISTINE HARADA

Commissioners

Commissioner Matthew Baker  
recused himself and did not  
participate in the vote of this item.

# **ATTACHMENT A**

# **ATTACHMENT B**