



State of Connecticut

HOUSE OF REPRESENTATIVES STATE CAPITOL

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Testimony in Support of

H.B.5467: An Act Concerning Emergency Repair of Utility Poles

Energy and Technology Committee

Senator Doyle, Representative Reed, Senator Formica, Representative Ackert, and distinguished members of the Energy and Technology Committee:

Thank you for raising HB 5467 -- An Act Concerning Emergency Repair of Utility Poles -- which seeks to require electric and power companies to repair or replace utility poles, regardless of ownership, during a declared emergency.

As described in the attached OLR report, ownership of utility poles in Connecticut is not uniform. Specifically, utility poles are generally owned by:

- (i) an electric distribution company ("EDC") (e.g., Eversource/CL&P or United Illuminating);
- (ii) a telecommunication company (e.g., Verizon or Frontier);
- (iii) an EDC and a telecommunication company jointly; or
- (iv) a municipal utility/service provider.

Under normal operations, the owner of a pole is responsible for maintenance, repairs and replacement as needed. If a pole is jointly owned, the joint owners split the cost of such maintenance pursuant to a preset arrangement.

OLR also reports that, in emergency conditions, an EDC "may" replace a pole owned wholly or partially by a telecommunication company (and presumably vice versa) and bill them later for the cost. If passed into law, my bill would *require* them to do so during declared emergencies.¹

Indeed, the recent storms and attendant massive power outages exposed an inherent weaknesses in our non-uniform ownership environment that is not apparent in normal circumstances – *to wit*, crews are only fixing "their" poles, resulting in a disjointed and protracted restoration of service.

During the recent storms, I personally spoke with crews on the ground who told me that their sole mission was to repair the poles owned by their company/employer. These crews also reported that they could not get to all of "their" poles because of downed trees and power lines, and that they were spending great periods of time trying to get access to their poles. At the same time, however, these crews would not fix a broken pole that was right in front of them because it did not belong to their company. This erratic approach prolonged recovery and eroded the public's confidence.

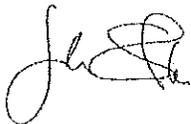
My bill would remedy this issue by requiring, during a declared emergency, the first company on scene who has the ability to replace or repair a disabled utility pole to do so, and thereafter bill the pole's owner back at a preapproved rate. Under my proposal, a repair crew could focus on an area that they can access, as opposed to jumping all over town to replace or repair "their" poles in situations where they may not have ready access.

Note, I understand that PURA has issued a report in Dkt No. 11-03-07, Investigation Into the Appointment of a Third Party Statewide Utility Pole Administrator, which might address some of the aforementioned issues. This report offers a number of good recommendations, including making the EDCs the Single Pole Administrator ("SPA") in their service areas (seemingly to the exclusion of telecommunication companies) and the use of a NOTIFY system to coordinate pole work.

Still, the report appears to focus more on attachment issues in the normal course of service, may not have the needed "buy in" from telecommunication companies, and does not appear to address situations where a disabled pole does not attach co-located service – i.e. contains only power or telecommunication. To the extent that these PURA recommendations move forward, the statutory requirement proposed herein can complement the work of PURA and its working group.

I welcome the opportunity to work with your committee on this bill and/or to address the issues discussed herein.

Respectfully,



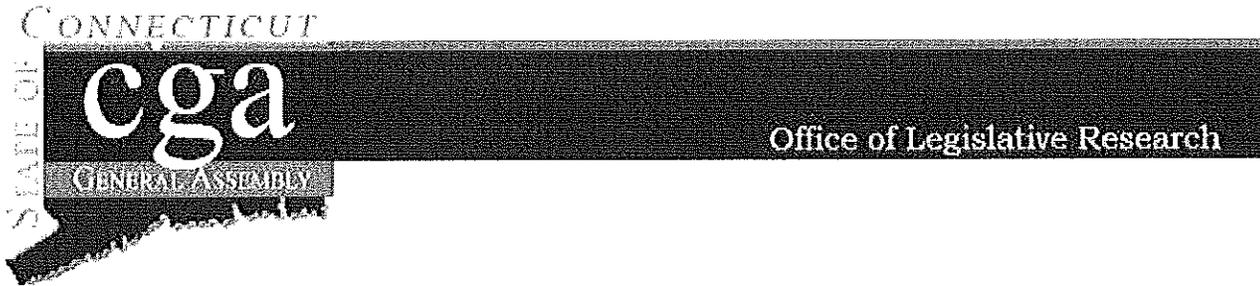
John Shaban
135th District

¹ Note, my bill does not seek to impose obligations on municipal utility entities.

Shaiken, Benjamin

From: Bergeron, Bobbie
Sent: Tuesday, February 24, 2015 9:59 AM
To: ETTestimony
Subject: FW: Utility Pole Sharing and Repair- supporting document for John Shaban's testimony
Attachments: PURA_decision_FINAL110307.docx

Follow Up Flag: Follow up
Flag Status: Flagged



Ownership

In Connecticut, with the exception of poles in the service territories of municipal utilities, utility poles are owned:

1. by electric distribution companies (EDC) (i.e., Eversource or United Illuminating (UI)),
2. by telecommunication companies (i.e., Verizon or Frontier), or
3. jointly by the EDCs and the telecommunication companies.

Repair

According to UI staff, under normal operations, the owner of the pole is responsible for maintenance or repairs, including replacement. If the pole is jointly owned, the joint owners split the cost of such maintenance. In emergency conditions (e.g., storms), UI may replace a pole owned wholly or partially by a telecommunications company in its service area and later bill them for the cost.

Eversource and UI have different service franchise territories, thus for one company to repair a utility pole in another franchise territory would be unusual. UI staff indicated that a large outage event may be a situation in which UI would repair an Eversource pole (i.e., during the provision of mutual assistance). We have asked UI for clarification on this point and we await a response.

In addition to EDCs and telecommunication companies, users of utility poles include cable telecommunications companies and municipalities. In order to safely accommodate different users on the same pole, the wires and other equipment for each use have designated spaces on the pole, known as "gains". The electric gain, reserved for power line equipment, is typically located on the highest seven feet of the utility pole. The communications gain accommodates state and municipal equipment, cable television and other telecommunications equipment. The equipment owned by the telephone companies is typically at the lower portion of the communications gain, approximately 15.5 feet above ground level. Generally, for repairs on the equipment on the pole, telephone companies repair facilities in the communications gain and EDCs repair facilities in the electric gain.

PURA Decision

The Public Utilities Regulatory Authority (PURA) regulates the administration, maintenance, and safety of poles. In an October 2014 decision, PURA required each of the two EDCs to serve as the Single Pole Administrator (SPA) for its service area, mainly to improve the process through which other entities are permitted to attach their facilities to the poles. However, the decision also required the SPAs to jointly develop a proposed work plan to coordinate pole replacements during emergency conditions. Furthermore, the decision described the NOTIFY system, a database currently used by Eversource. PURA required (1) pole owners in Eversource's territory to enter their pole data in that system and (2) UI to report by November 5, 2014, on the status of purchasing the NOTIFY system. The PURA decision adopted recommendations from a utility pole attachment working group. PURA believes the working group should evaluate opportunities for using the NOTIFY System to streamline the restoration service process following emergency events. (The full text of the final decision is attached.)

The decision also required:

1. all other pole owners (i.e., the telecommunications companies) to provide data on their poles to the SPA; and
2. telephone companies to work with their SPA to continue to manage the communications gain and identify new pole replacements.

Background Reports

The following reports provide some context for repairs, storm responses, and related PURA decisions. Please note that while we have provided the most recent report for each topic, they have not been updated.

[OLR Report 2012-R-0053, Two Storm Panel Report on 2011 Outages](#)

[OLR Report 2011-R-0398, Options Regarding Utility Outages](#)

[OLR Report 2011-R-0338, Undergrounding Electric Lines](#)

We hope this is helpful. Please let us know if you have further questions.

Thanks,
Mary