

# UTILITY POLE ATTACHMENTS

*Understanding New FCC Regulations and Industry Trends*

May 1-2, 2017

Atlanta Marriott Suites Midtown

Atlanta, GA



EUCI is authorized by  
IACET to offer 1.0 CEUs  
for this course

## OVERVIEW

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In late 2015, the Federal Communications Commission (FCC) issued an Order on Reconsideration that updated the telecommunications pole attachment formula it had adopted in its 2011 Pole Attachment Order. The updated formula is designed to better harmonize the pole attachment rates that can be charged telecommunications providers and cable companies in States governed by the federal law. The new formula went into effect on March 4, 2016.

What does this mean for electric utilities, communications, and cable companies? The FCC Order will accelerate the recent industry trends and court rulings placing downward pressure on rental rates in order to promote broadband deployment. This downward pressure means that, more than ever, it is important to ensure that joint use and license agreements are up to date, to know, understand and effectively administer the provisions of those agreements, and to manage expectations about the potential outcome of negotiations with attaching entities.

## LEARNING OUTCOMES

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- Review common joint use and third-party license agreement provisions and their practical implications
- Identify how to calculate the FCC maximum allowable rate for pole attachments
- Examine the rights and obligations of utilities and joint-users/third-party attachers on new and existing joint use poles
- Analyze NJUNS and the transfer process
- Discuss how industry trends such as fiber deployment and wireless attachments are impacting pole owners
- Formulate effective strategies for working with attachers and joint-users to correct past mistakes and issues
- Examine NESC issues related to pole attachments

## WHO SHOULD ATTEND

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Electric Utility, Communications, and Cable Company:

- Engineering Managers
- Operations Managers
- Construction Managers
- Distribution Engineers
- Joint-Use Managers
- Finance and Accounting staff responsible for joint use and licensee billing



***“You’re bound to learn a thing or two that will completely redefine your view and processes in the industry.”***

Project Manager, Construction CAD Solutions, Inc.



***“EUCI presents a well-organized and informational rich experience. I would recommend this course to any entity involved in or interested in pole attachment.”***

Telecom Engineering Manager, Texas Utility Engineering

# COURSE TIMING

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MONDAY, MAY 1, 2017

**8:30 – 9:00 am**            **Registration and Continental Breakfast**

**9:00 am – 4:00 pm**        **Course Timing**

**12:00 – 1:00 pm**         **Group Luncheon**

# PROGRAM AGENDA

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- **Introduction and Pole Attachment Overview**
- **Overview of Joint Use and the Regulation of Shared Infrastructure**
- **Applicability of the Federal Pole Attachment Act**
  - o State vs. federal regulation
  - o Investor-owned utilities vs. electric cooperatives and municipal utilities
- **Joint Use Agreements vs. License Agreements**
  - o Differences and similarities
  - o Standard terms and conditions
  - o Fees often included in third-party license agreements
  - o Administering existing and “predecessor” agreements
  - o Negotiating new agreements
- **Federal Regulation of Pole Attachments**
  - o FCC rental rate formulas
  - o Other costs and charges
  - o Make-ready timelines
- **New Joint Use - The Essentials to Ensure Proper Attachments**
  - o The permit process
  - o Make-ready
  - o Pole-loading analysis
- **Existing Joint Use – Modifications and Transfers**
  - o NJUNS introduction, tips and tricks
  - o Late transfers and pole ownership transfers
  - o Modifying existing joint use poles – What is billable?
  - o NESC clearance requirements, violations and remedies
- **Correcting Past Issues**
  - o Pole attachment inventory review and billing
  - o Safety/Code compliance audit review and billing
  - o Pole ownership
  - o Guys/Anchors/Risers/Pedestals
  - o Stranded assets



*“I’m not an engineer, however, the information was presented in a clear, understandable manner.”*

Utility Administrator, LADWP

# COURSE TIMING

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TUESDAY, MAY 2, 2017

**8:30 – 9:00 am**      **Continental Breakfast**

**9:00 am – 12:00 pm**      **Course Timing**

# PROGRAM AGENDA

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- **Wireless Attachments and Small Cells**
  - Pole top attachments
  - Use of street lights
  - Rate issues
- **State and Local Regulation of Wireless Facilities on Utility Poles in the Rights of Way**
  - Limits on state and local regulation
  - Limits on access fees
  - Deployment timelines
- **Attachment Cost Calculations**
  - FCC maximum allowable rate calculation example
  - Alternative methods and sample rates
  - Rental rates for wireless attachments
- **NESC 2017 Revisions Related to Pole Attachments**
  - Rule 239H related to pole top antenna risers
  - Rule 420K related to 100 percent fall protection
  - Rule 283C increasing the amount of separation required for un-grounded streetlights
  - Rule 215C related to insulation of guy wires
- **Industry Trends and Current Issues**
  - One-touch make-ready
  - Google Fiber
  - Recent FCC proceedings and decisions
  - IoT
  - New FCC Chair

# INSTRUCTORS

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## Sean Knowles

**Principal, VP. Business Development / McLean Engineering**

Sean has been with McLean Engineering for seven years. During that time, McLean has grown its distribution engineering, inspection and pole attachment practice to include IOU, electric cooperative, and municipal utility clients across the US. Sean's primary responsibilities related to pole attachments include project development, overall project management and project payback, as well as pole attachment contract development, pole attachment rental rate calculation and contract advisement and negotiation.

Prior to coming to McLean Engineering, Sean earned a Master of Business Administration from Duke University, where he ran the Duke Start-up Challenge business plan competition. Prior to Duke, Sean worked for six years in the United States Senate, the last four of which he spent as a staff member of the Senate Appropriations Committee, during which time he negotiated eight public laws allocating military spending, traveled to 13 countries conducting project oversight, analyzed over 2,000 construction projects and allocated over \$50 billion in funding for the Department of Defense (DOD). Sean's experience during his tenure on the Appropriations Committee included oversight of the DOD's utilities privatization program. Prior to his work in the Senate, Sean earned a Bachelor of Business Administration in Finance from Texas Tech University.



## INSTRUCTORS (continued)



### Chad David

**Director, Joint Use and Attachment Services / McLean Engineering**

Chad manages day-to-day implementation of client pole attachment agreements for electric utility clients. This includes managing over 80 joint use contracts across 5 states. His responsibilities include management of the permitting process from beginning to completion, including costing, make-ready, and inspection, to ensure utilities recover costs; administration of foreign attachment transfers and left-in-place poles; National Joint Use Notification System (NJUNS) set up and training; assistance with management of attachment transfers; resolution of issues with “non-performing” attachers and code violations; and annual billing for attachers and joint users. Chad rose quickly through the ranks at McLean, beginning as a field inspector and working as a GIS analyst, giving him an end-to-end understanding of the pole attachment process.

Prior to his work at McLean Engineering, Chad worked in the insurance industry, where he developed financial analytical skills, and as a Forester for the Georgia Forestry Commission, where he developed technical GIS skills.



### Chris Huther

**Partner, Wiley Rein LLP**

For two decades, Chris has successfully represented communications companies in negotiations, litigations, and regulatory proceedings involving infrastructure, rate, and utility pole issues. He is recognized as an authority on joint use issues and has been named a “recommended lawyer” by The Legal 500.

In recent years, Chris has negotiated settlement, joint use, and pole attachment agreements with investor-owned utilities, electric cooperatives, and municipal utilities, mediated and arbitrated disputes over the terms of existing joint use and pole attachment agreements, supported broadband deployment efforts nationwide, through counseling, negotiations, and litigation, served as lead counsel for telecommunications companies in Pole Attachment Complaint proceedings before the Federal Communications Commission’s Enforcement Bureau, and defended telecommunications companies in litigation filed in Florida, Massachusetts, North Carolina, Ohio, Oregon, Pennsylvania, Texas, Virginia, and West Virginia over the rates, terms, and conditions of joint use and pole attachment agreements.



### Claire Evans

**Partner, Wiley Rein LLP**

For the past five years, Claire has worked closely with Chris on all pole attachment and infrastructure matters, including the first Pole Attachment Complaint filed by an ILEC after the FCC issued its 2011 Pole Attachment Order. More recently, Claire represented communications companies in their support of the FCC’s 2015 Order on Reconsideration, which modified the FCC rate formulas to bring parity to telecommunications company and cable company attachers.

Before joining Wiley Rein, Claire obtained significant “inside” experience at all levels of the judicial system, having served as a law clerk at the U.S. Supreme Court, Court of Appeals, and District Court. Claire has also been named a “recommended lawyer” by The Legal 500.



*“EUCI offers a great way to network while encouraging a dialogue among attendees, helping all to stay up-to-date on the latest industry trends.”*

Past Attendee

## REQUIREMENTS FOR SUCCESSFUL COMPLETION OF PROGRAM

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Participants must sign in/out each day and be in attendance for the entirety of the course to be eligible for continuing education credit.

## INSTRUCTIONAL METHODS

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Power point presentation, open discussion

## PROCEEDINGS

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The proceedings of the course will be published, and one copy will be distributed to each registrant at the course.

## EVENT LOCATION

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A room block has been reserved at the Atlanta Marriott Suites Midtown, 35 14th Street NE, Atlanta, GA 30309, for the nights of April 30 - May 2, 2017. Room rates are \$175, plus applicable tax. Call **404-876-8888** for reservations and mention the EUCI event to get the group rate. The cutoff date to receive the group rate is April 2, 2017 but as there are a limited number of rooms available at this rate, the room block may close sooner. ***Please make your reservations early.***

## IACET CREDITS

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EUCI has been accredited as an Authorized Provider by the International Association for Continuing Education and Training (IACET). In obtaining this accreditation, EUCI has demonstrated that it complies with the ANSI/IACET Standard which is recognized internationally as a standard of good practice. As a result of their Authorized Provider status, EUCI is authorized to offer IACET CEUs for its programs that qualify under the ANSI/IACET Standard.

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***"I learned a great deal."***

Contract Administrator, Orlando Utilities Commission

**REGISTRATION**  
*to register [CLICK HERE](#) or*

**Call: 201 871 0474**  
**fax: 253 663 7224**  
**email: [register@pmaconference.com](mailto:register@pmaconference.com)**  
**web: <http://pmaconference.com/>**  
**Mail: POB 2303 Falls Church Va 22042**

Please make checks payable to: "PMA"

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## PLEASE REGISTER

**UTILITY POLE ATTACHMENTS: UNDERSTANDING NEW FCC REGULATIONS AND INDUSTRY TRENDS COURSE:** May 1-2, 2017: US \$1395  
 Early bird on or before April 14, 2017: US \$1195

How did you hear about this event? (direct e-mail, colleague, speaker(s), etc.)

Print Name Job Title

Company

What name do you prefer on your name badge?

Address

City State/Province Zip/Postal Code Country

Phone Email

List any dietary or accessibility needs here

**CREDIT CARD INFORMATION**

Name on Card Account Number

Billing Address Billing City Billing State

Billing Zip Code/Postal Code Exp. Date Security Code (last 3 digits on the back of Visa and MC or 4 digits on front of AmEx)

**OR** Enclosed is a check for \$ \_\_\_\_\_ to cover \_\_\_\_\_ registrations.

**Substitutions & Cancellations**

Your registration may be transferred to a member of your organization up to 24 hours in advance of the event. Cancellations must be received on or before March 31, 2017 in order to be refunded and will be subject to a US \$195.00 processing fee per registrant. No refunds will be made after this date. Cancellations received after this date will create a credit of the tuition (less processing fee) good toward any other EUCI event. This credit will be good for six months from the cancellation date. In the event of non-attendance, all registration fees will be forfeited. In case of course cancellation, EUCI's liability is limited to refund of the event registration fee only. For more information regarding administrative policies, such as complaints and refunds, please contact our offices at (201) 871-0474.