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November 28, 2018

VIA E-FILED

Ms. Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor, Room-N201
400 North Street
Harrisburg, PA 17120

**Re: Assumption of Commission Jurisdiction Over Pole Attachments from the Federal Communications Commission
Docket No. L-2018-3002672**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Reply Comments in the above-referenced proceeding.

Upon receipt, if you have any questions regarding the information contained in this filing, please contact the undersigned at 412-393-6334 or awaldock@duqlight.com.

Sincerely,

A handwritten signature in blue ink that reads "Audrey Waldock". The signature is written in a cursive style with a long horizontal line extending to the right.

Audrey Waldock

Enclosure

c: Shaun A. Sparks, Assistant Counsel (shsparks@pa.gov)
Colin W. Scott, Assistant Counsel (colinScott@pa.gov)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Assumption of Commission Jurisdiction :
Over Pole Attachments from the Federal : Docket No. L-2018-3002672
Communications Commission :

**REPLY COMMENTS OF
DUQUESNE LIGHT COMPANY**

I. INTRODUCTION

At the Public Meeting of July 12, 2018, the Commission issued a *Notice of Proposed Rulemaking Order* (“*NOPR*”) to begin a rulemaking to assert Commission jurisdiction over pole attachments pursuant to the Telecommunications Act of 1996 (“TA 96”). Consistent with the deadlines in the *NOPR*, on October 29, 2018 Duquesne Light Company (“Duquesne Light” or “Company”)¹ submitted comments for the Commission’s consideration.

In accordance with the schedule in this proceeding, Duquesne Light hereby submits reply comments to highlight areas of agreement with other parties,² to reiterate specific points in its comments, and to encourage the Commission to fully consider the implications of this *NOPR*.

¹ Duquesne Light is a public utility as the term is defined under Section 102 of the Public Utility Code, 66 Pa.C.S. § 102, and is certificated by the Commission to provide electric distribution service in portions of Allegheny County and Beaver County in Pennsylvania. Duquesne Light is also an EDC as that term is defined under Section 2803 of the Public Utility Code. See 66 Pa.C.S. § 2803.

² Due to the voluminous nature of the comments at this proceeding, these reply comments are limited in nature and should be regarded as addressing only those points which necessitated response. The Company’s silence as to any particular issue should not be regarded as agreement or endorsement, and Duquesne Light reserves its right to challenge any issue not covered in the scope of these comments going forward.

II. REPLY COMMENTS

As noted in its comments, Duquesne Light urges the Commission to specify the Federal regulations that it proposes to adopt. Others who commented on the *NOPR* pointed out that the proposed “turn-key” adoption was problematic. As this proceeding progresses, it has become clear that exactly what the Commission is adopting by reference will be murky. Duquesne Light supports the suggestion by others that the Commission simply restate the regulations that it proposes to adopt so that all parties will have a clear idea of the applicable regulations regardless of future proceedings before the FCC. This will then provide the skeleton for the Commission to develop regulations that are specific to the needs of the Commonwealth.

By restating (copying and renumbering) the regulations the Commission plans to adopt, the Commission also has a clear path to resolve any question about adopting future FCC regulations. To incorporate proposed FCC regulations, the Commission can initiate a rulemaking that will allow Pennsylvania parties to weigh in on regulations that impact Pennsylvania and allow the Commission to provide the much needed balanced view on issues of infrastructure use and cost recovery, electric safety and reliability of service.

As a pole owner in an area with an aggressive demand for ever greater technologically advanced broadband, the Company has already experienced efforts by wireless attachers to utilize ever more of the space on a pole. As noted by others in comments, the wireless attachment efforts by companies is causing increasing safety concerns for electric utilities. The Company would urge the Commission to carefully consider the implications of the FCC regulations being proposed that will make it harder for pole owners, especially EDCs, to manage the many attachments on poles as wireless technology advances.

With assumption of jurisdiction over Pennsylvania poles, the Commission can also start to address the issues related to pole replacement and moving telecommunications attachments to new poles in a timely manner. Currently, when a utility pole owned by an EDC is damaged, when the EDC replaces the pole, often it leaves a segment of the damaged pole in place and notifies the telecommunication attachers that telecommunications equipment needs to be moved to the new pole. Despite this notification, some attachers have taken years to move their equipment, and then only after a customer has filed a formal complaint with the Commission. With the advent of wireless attachments, the Commonwealth, the attachers and the utilities will need to be even more responsive with notifications, removal and reattachment to pole infrastructure.

The Company understands, and appreciates, the need for broadband deployment in rural communities. By assuming jurisdiction of pole attachment, the Commission will be in a position to positively impact many customers and yet balance that need against the equally important requirements for safety and reliability of the electric distribution grid. Duquesne Light urges the Commission to seek out a means to reconcile the various regulations in the Public Utility Code, the Federal regulations, the Pennsylvania Wireless Broadband Collocation Act of 2012 and the efforts by the General Assembly to bring safe, reliable and affordable electricity along with affordable and reliable broadband connections to all Commonwealth citizens.

III. CONCLUSION

Duquesne Light appreciates the Commission's efforts to reverse-preempt the FCC pole attachments so that all Pennsylvanians can benefit from access to high-speed internet connections and safe and reliable electricity.

Respectfully submitted,



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