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October 27, 2017

Via Electronic Mail

David K. Wiesner, Esq.
Staff Attorney/Hearing Examiner
State of New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

Mr. Michael C. Ladam
Director, Regulatory Innovation and Strategy
State of New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

RE: DRM 17-139, Rulemaking – N.H. Code Admin. Rules PUC 1300 Utility Pole Attachment Rules Readoption and Amendment

Dear Messrs. Wiesner and Ladam:

I am writing on behalf of CTIA in response to Commission Staff's October 20, 2017 Initial Proposal for readoption with amendments of the New Hampshire Pole Attachment Rules, N.H. Code Admin. Rules PUC 1300 *et seq.* (the "Rules"), which are due to expire eight years from their effective date, on December 11, 2017.

As you are no doubt aware, consumer demand for wireless connectivity continues to grow exponentially as new wireless devices, technologies and services are created every day. Over the past two years, consumer wireless data use has increased by 238 percent.¹ To meet this demand, wireless networks must be augmented with new technology called "small cells" to increase capacity and improve coverage of current 4G wireless networks in preparation for the rollout of the next generation of wireless networks, referred to as "5G."

5G will have a profound positive impact on the lives of New Hampshire consumers, as well as the state's economy. According to research by Accenture, New Hampshire's five largest cities (Manchester, Nashua, Concord, Derry, and Rochester) can expect to see a total of \$250

¹ See CTIA Annual Wireless Industry Survey for 2016 (May 2017), available at <https://www.ctia.org/industry-data/ctia-annual-wireless-industry-survey> (last accessed October 25, 2017).

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million in network investment to deploy 5G. In those cities alone, that deployment is estimated to create \$464 million growth in GDP, another \$146 million in smart city benefits, and nearly 3,000 jobs.²

While traditional cell towers will remain an important part of the State's wireless networks, new deployments of small cells will provide the densification needed for 4G and pave the way for 5G. Small cells have a small coverage area that adds user capacity and fills coverage gaps, especially in urban and suburban environments where larger, traditional cell sites may not offer a viable solution. They also can be used to solve network coverage gaps in more rural areas, such as along roads through rural areas, which can be particularly beneficial to states like New Hampshire.

CTIA believes the Initial Proposal's acceptance of many of its recommended changes will facilitate rapid deployment of 5G in New Hampshire. Specifically, the Initial Proposal accepts CTIA's suggested changes to the definitions of "attaching entity" and "facility," making specific reference to wireless service providers and wireless antennas and clarifying the applicability of the Rules to them. CTIA also commends Commission Staff's support for wireless pole-top attachments in PUC 1303.01, "Access Standard," and PUC 1303.09, "Location of Attachments."

CTIA offers two additional edits for consideration by Commission Staff:

1) Make-Ready. The cover page accompanying the Initial Proposal indicates that Commission Staff is still seriously considering the potential merits of adding new and more detailed provisions regarding make-ready timelines and remedies. As discussed in CTIA's October 16th comments, CTIA strongly urges Commission Staff to adopt the four-stage timeline provided in the Federal Communications Commission's ("FCC's") rules. The FCC's timeline allows a reasonable timeline of 45 days for a survey, 14 days to prepare an estimate of make-ready work, 14 days for the attacher to accept the estimate, and 60-75 days for the completion of make-ready work, with a maximum of 148 days for all four stages.³ While PUC 1303.12, Make-Ready Timeframes, in the Initial Proposal provides that "pole owners shall complete make-ready work within 150 days after prepayments are rendered," CTIA believes

² See generally AccentureStrategy, "Smart Cities: How 5G Can Help Municipalities Become Vibrant Smart Cities" (Jan. 2017), available at <https://www.ctia.org/docs/default-source/default-document-library/how-5g-can-help-municipalities-become-vibrant-smart-cities-accenture.pdf> (last accessed October 25, 2017).

³ See In re the Implementation of Section 224 of the Act and a National Broadband Plan for Our Future, WC Docket No. 07-245 and GN Docket No. 09-51, Report and Order and Order on Reconsideration (Apr. 7, 2011), FCC 11-50, ¶ 8. The FCC permits additional time for make-ready work for pole-top installations. See Id., ¶ 22.

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delineation of the maximum times for the various stages will serve to promote broadband deployment in the Granite State.

2) Access Standard. CTIA recommends a further revision to PUC 1303.01, “Access Standard” for attachments. Specifically, CTIA recommends that the definition be revised as follows:

PUC 1303.01 Access Standard. The owner or owners of a pole shall provide attaching entities access to such pole on terms that are just, reasonable, and nondiscriminatory. Such access shall include wireless facility attachments above the communications space on the pole, consistent with National Electric Safety Code standards. The owner or owners of a pole may deny a request for attachment to such pole:

- (a) If there is insufficient capacity on the pole;
- (b) For reasons of safety, reliability, or generally applicable engineering purposes; or
- (c) If the pole owner(s) does not possess the authority to allow the proposed attachment.

Notwithstanding subsections (a) or (b) above, the owner or owners of a pole may not deny access to a pole if the attaching entity is willing to compensate the owner or owners for the costs to repair, replace or undertake other make-ready work needed to accommodate an additional attachment.

CTIA believes this revision will further help to streamline the deployment process while ensuring that pole owners are fairly compensated for the cost of pole replacement where necessary.

Thank you for your anticipated consideration of these recommendations. CTIA thanks the Commission for the opportunity to provide suggestions of “simple” revisions prior to the expiration of the Rules on December 11, 2017. CTIA looks forward to working with the Commission to effect further revisions to the Rules in order to ensure their utility in the communications market over the next eight (8) to ten (10) years.

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Please do not hesitate to contact David Bogan of this office (860-541-7711) or me should you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathryn", with a long horizontal flourish extending to the right.

Kathryn E. Boucher

cc: Service List (via electronic mail)

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