

**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.

I.17-06-027

And Related Matter.

R.17-06-028

**JOINT COMMENTS OF COMMUNICATIONS WORKERS OF AMERICA, DISTRICT
9 AND THE COALITION OF CALIFORNIA UTILITY EMPLOYEES ON “ONE-
TOUCH MAKE-READY” PROPOSAL**

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Pursuant to the Administrative Law Judge’s Ruling Requesting Comments on “One-Touch Make-Ready” Requirements in California, Communications Workers of America, District 9 (“CWA”) and the Coalition of California Utility Employees (“CUE”) submit these joint comments on the Commission’s One-Touch Make-Ready (“OTMR”) proposal.

1. Should the Commission adopt OTMR requirements? If so, why? If not, why not?

No. The Commission should not adopt OTMR requirements because OTMR jeopardizes public and worker safety and threatens good jobs.

The Commission’s OTMR proposal would allow new attachers to utility poles, or their contractors, to perform “simple make-ready” work that is currently done by employees of communications service providers and electric utility employees. The proposal would also allow this work to be completed in an expedited timeframe and without sufficient oversight. Pole attachment work is complex and, if done incorrectly, can create dangerous conditions for workers and the public. CWA and CUE recognize the need to expand broadband access in California, but this cannot come at the expense of public and worker safety.

The OTMR proposal defines “make-ready” as “the modification or replacement of a utility pole, or of the lines or equipment on the utility pole, to accommodate additional facilities on the utility pole.”¹ “Simple make-ready” is defined as “make-ready where existing attachments in the communications space of a pole could be transferred without any reasonable expectation of a service outage or facility damage and does not require splicing of any existing communication attachment or relocation of an existing wireless attachment.”² “Complex make-ready” includes “transfers and work within the communications space that would be reasonably likely to cause a service outage or facility damage, including work such as splicing of any communication attachment or relocation of existing wireless attachments.”³

CWA and CUE oppose the OTMR proposal for two reasons. First, as discussed further under Question 2, the OTMR proposal jeopardizes the safety of workers and the general public by shortening work completion timeframes governing pole attachments, eliminating necessary oversight of the work, and transferring responsibility for make-ready work from those who are best qualified to do the work – the skilled workforces of communications service providers and electric utilities – to third-party contractors. This is a dangerous proposition that should be flatly rejected.

Second, the OTMR proposal threatens good, union jobs by replacing them with low-wage contractor jobs. The OTMR proposal enables new third-party attachers and contractors to perform simple make-ready work.⁴ Unionized employees of communications service providers and electric utilities covered by longstanding collective bargaining agreements are best

¹ OTMR Proposal, Section II, “Definitions”, p. 5.

² *Id.*

³ *Id.*

⁴ Proposal, Section F, pg. 14.

positioned to perform this work due to institutional knowledge of the network and equipment and robust training and safety processes. In addition, collective bargaining agreements provide higher wages than contractors and community-sustaining benefits. Allowing third-party attachers or their contractors to do make-ready work would undermine good, career jobs. The Commission should not adopt make-ready rules that undermine collective bargaining agreements and the training, pay and benefits they afford workers.

1. Would the proposed OTMR requirements further the Commission’s utility safety objectives? Why or why not?

No. The OTMR proposal conflicts with the Commission’s utility safety objectives by shortening timeframes for pole attachment work and by taking make-ready work from the hands of skilled, properly trained utility employees and putting it in the hands of new attachers or their contractors.

No make-ready work is “simple.” All pole attachment work can have safety implications. If done improperly, pole attachments can cause facility damage, service interruption, and dangerous conditions for workers and the public. Unskilled attachment work could leave heavy terminals and wires hanging without proper support. Ungrounded wires could create electrocution risks. Incorrect placement or overloading equipment on damaged or decaying poles could lead to poles falling into private property or the public right-of-way. These risks are present in Commission-defined “simple” and “complex” make-ready work.

Reports from CWA members in the field disclose a wide variety of safety and service issues caused by third parties, who often employ contractors without the training or experience to complete the work properly. Workers report instances of ungrounded strands, causing electrocution risk to other workers and the public. Others report third party contractors using

weak bolts to secure heavy cables. Weak bolts could come loose over time and the cable could fall, possibly into a public right-of-way. When asked to explain how he would report a safety concern like a weak bolt, one CWA-represented technician at a major ILEC explained that he would report the concern to his supervisor, who would then attempt to contact the third party or its contractor. It is often the case that the third party or contractor cannot be reached. The existing attacher would then be responsible to fix the shoddy work of third parties to ensure their own customers' quality service, workers' safety and public safety. In short, make-ready work should be left in the hands of skilled, properly trained workers who know the equipment, the condition of the poles and the rules regulating attachment placement.

Further, the Commission should maintain its current timeframes governing pole attachments to provide sufficient time to perform the work safely and properly. The OTMR proposal provides insufficient time for vital parts of the pole attachment process. For example, the proposal would require a new attacher to provide notice to the utility and existing attachers just three business days before conducting a field inspection. With such short notice, it is unlikely the utility or existing attacher would be able to provide the necessary oversight. It is essential for the utility and existing attacher to conduct a thorough survey before new attachers can attach their facilities. As one CWA member put it, "you can't just have people jumping up poles. It puts the integrity of the poles in jeopardy, endangering the public and other workers who might have to climb the pole later." Many utility poles are already overloaded, and many poles require replacement before additional facilities are attached. The short timelines included in the OTMR proposal are insufficient to do essential make-ready work.

CWA and CUE understand that broadband deployment to more Californians is essential, but the Commission cannot sacrifice safety for speed.

2. Would the proposed OTMR requirements enhance competition among communications service providers and expedite high speed broadband deployment?

Why or why not?

We do not have comments on this topic at this time but may address it in reply comments.

3. Should the staff Proposal be modified? If so, how should the proposal be modified and for what reasons?

The Commission should reject any proposal that shortens completion timeframes governing pole attachments and transfers responsibility for make-ready work from those who are best qualified to do the work – the skilled workforces of communications service providers and electric utilities – to third-party attachers and their contractors, because it jeopardizes public and worker safety and threatens good jobs.

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Respectfully submitted,

/s/

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