CALBROADBAND

THE CALIFORNIA BROADBAND & VIDEO ASSOCIATION

*VIA E-File*

November 3, 2023

Kristin Ralff Douglas
Program Manager, Electrical Undergrounding Division
Office of Energy Infrastructure Safety
California Natural Resources Agency
Sacramento, CA 95814

**Re: Docket Number: 2023-UPs**
**Comments of AT&T California; California Video and Broadband Association; Crown Castle Fiber, LLC; and Sonic Telecom, LLC on the Office of Energy Infrastructure Safety's Undergrounding Guidelines**

Dear Ms. Kristin Ralff Douglas:

Pacific Bell Telephone Company d/b/a AT&T California ("AT&T"), the California Broadband & Video Association ("CalBroadband"),[1] Crown Castle Fiber LLC ("Crown Castle"), and Sonic Telecom, LLC ("Sonic") (collectively, the "Communications Industry Parties") submit these comments in response to the Office of Energy Infrastructure Safety's ("OEIS") *Electrical Undergrounding Plans (Docket #2023-UPs) Request for Comments on Development of Guidelines for the 10-Year Electrical Undergrounding Distribution Infrastructure Plan (Undergrounding Plan)* issued on October 16, 2023.[2] These comments are limited to select issues that directly impact the communications industry.

## I. INTRODUCTION

Undergrounding electric service infrastructure does not occur in a vacuum. Other entities – including communications companies, electric ratepayers, and the public at large – are directly impacted.[3] In the Proposed Decision in Pacific Gas and Electric Company's ("PG&E") General Rate Case ("GRC"), the California Public Utilities Commission ("CPUC") acknowledges that undergrounding has a likely impact on telecommunications services, deployment of broadband,

[1] CalBroadband, formerly known as "CCTA," is a trade association consisting of cable companies that have invested over $45 billion in California infrastructure since 1996 to provide video, voice, and Internet service to millions of customers statewide.

[2] The Communications Industry Parties timely filed these comments via email on November 2, 2023, but are e-filing the comments on November 3, 2023 pursuant to instructions from OEIS.

[3] *See* Application 21-06-021, PG&E General Rate Case ("GRC"), AT&T GRC Opening Brief at 2-3 (Nov. 4, 2022), https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M498/K526/498526065.PDF.

and cost allocation between the investor-owned utilities ("IOUs") and communications providers.[4] As such, the communications industry has a strong interest in the IOUs' undergrounding plans and OEIS's oversight of those plans.

Broadband expansion requires attaching communications equipment to vertical assets such as utility poles. The Communications Industry Parties rely on utility poles that are solely or jointly owned by the large IOUs – i.e. the "large electrical corporations" referenced in Senate Bill 884 – to deliver their services.[5] If an IOU removes its poles as part of an undergrounding project, some communications providers may face tremendous pressure to underground and as a result may face the prospect of having to either underground their overhead facilities at the same time as the IOU or discontinue service in that area.[6] Communications facilities and equipment pose no ignition risk, therefore there is ***no*** meaningful wildfire prevention benefit from undergrounding communications facilities.[7]

Certain communications equipment, such as Wi-Fi devices and cell antennas that provide hotspots and wireless broadband, cannot operate below ground. Moreover, forcing communications providers to absorb undergrounding costs would require them to divert finite resources that could be used for other purposes, such as the deployment of new broadband infrastructure to connect unserved communities. This cost would distort competitive forces and complicate marginal investment decisions, which could result in less or delayed availability of advanced services to California customers.[8]

---

[4] *See* GRC Proposed Decision at 281 (Sept. 13, 2023), ("[T]he Commission finds that the telecommunication companies present legitimate concerns regarding the appropriateness of the proposed scale of undergrounding and the related cost forecast due to the likely impact of undergrounding on telecommunications services, deployment of broadband, and cost allocation […] The Commission finds that a number of fundamental and potentially disruptive issues remain unaddressed regarding the impact of extensive undergrounding on telecommunication services."), https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M520/K418/520418881.PDF.

[5] *See* Comcast GRC Opening Brief at 3, 22-23 (Nov. 4, 2022), https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M498/K338/498338970.PDF...

[6] *See id.; see also* AT&T GRC Opening Brief at 2-3 (Nov. 4, 2022) https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M498/K526/498526065.PDF.

[7] *See* CAL FIRE, *California Power Line Fire Prevention Field Guide* at 43 (2021) ("For the purposes of fire prevention, single use overhead communications pole lines are generally not an ignition source because the energy within communications infrastructure is usually insufficient to ignite a fire."), 2021-power-line-fire-prevention-field-guide-ada-final_jf_20210125.pdf (ca.gov); *see also* AT&T GRC Opening Brief at 3, 16 ( "[AT&T's witness] explained that communications facilities placed on utility poles have low levels of electric current, and as such, "'even while energized, [they have] no inherent potential to create a flame or electric arc.'"); *see* Ex. Comcast-04 (Slavin GRC Rebuttal Testimony), https://docs.cpuc.ca.gov/PublishedDocs/SupDoc/A2106021/5192/493506985.pdf. Moreover, the fiber optic facilities being deployed by Sonic and other carriers carry no electrical energy at all.

[8] *See* Ex. Comcast-02 (Kravtin GRC Opening Testimony) at 4:19-23; 5:7-9; *id*. at 5:14-6:2, ("This shift in resources harms the public interest by increasing the communications provider's costs of production,

In addition to the potentially significant negative impacts on the communications industry, undergrounding is one of the most expensive, least efficient, slowest to implement, and most environmentally impactful and disruptive of the wildfire mitigation options available to IOUs.[9] IOUs have dozens of other wildfire mitigation strategies available to them that are more cost effective, efficient, faster to implement, and less disruptive than undergrounding.[10] For example, a recent Joint IOU Covered Conductor Working Group report found that covered conductors "are up to 100% effective at preventing arcing and ignition in tested scenarios at rated voltages."[11] OEIS's Undergrounding Guidelines should encourage the IOUs to continue to investigate alternatives to undergrounding for wildfire mitigation.

## II. RESPONSE TO QUESTIONS

### A. Part II – Required Components of Undergrounding Plan

#### *a)* How should "undergrounding project" be defined for purposes of section 8388.5?

The definition of "Undergrounding Project" in the context of wildfire safety should not include the conversion of electrical service drops or any communications equipment occupying the same infrastructure as electric equipment. OEIS should define an "Undergrounding Project" as the conversion of existing overhead, high-voltage, primary and/or secondary electric lines and related equipment, to underground facilities, which include underground conduit housing the wires, underground vaults, and/or surface mounted structures for transformers and other equipment.

By contrast, service drops are the distribution electrical lines running from a utility pole to a customer's meter and should not be included in the definition of "Undergrounding Project". Undergrounding electric service drops yields minimal safety benefits[12] but adds enormous cost and time. Moreover, undergrounding service drops may cause additional impacts and damage to property by requiring disturbance to the environment and customers' lawns, driveways, etc. necessary to accomplish that undergrounding.[13] In addition, electric service panels generally are

---

thus putting upward pressure on prices and complicating and distorting broadband investment and deployment decisions. ***This distortion has rippling effects throughout the economy*** into a wide range of areas from which consumers would derive significant economic benefit relating to broadband.) (emphasis added), *available at*: https://docs.cpuc.ca.gov/PublishedDocs/SupDoc/A2106021/5124/485584865.pdf.

[9] *See* GRC Proposed Decision, generally.

[10] *See* Comcast GRC Opening Brief at 17.

[11] *See* SDG&E Wildfire Mitigation Plan, Attachment B at 3 (Mar. 27, 2023), *available at* https://www.sdge.com/sites/default/files/regulatory/2023-2025%20SDGE%20WMP%20with%20Attachments.pdf.

[12] *See, e.g.,* PG&E Undergrounding Fact Sheet at 2, (Aug. 2023), attached hereto as Attachment A ("We are moving powerlines that have the highest ignition risk underground.").

[13] Comcast GRC Opening Brief at 10; PG&E (Martin) GRC Tr. at 1431:23-27 (Aug. 19, 2022) (affirming that undergrounding a service drop may include digging trenches across homeowner's yards);

configured for either overhead or underground service drops, but not both.[14] If the orientation of the service drop line changes from overhead to underground, the most common method to modify the service apparatus is to change the panel out to be an underground panel.[15] Undergrounding service drop lines and replacing electric service panels can cost in the high hundreds of dollars to thousands of dollars *per customer*.[16]

Undergrounding primary and/or secondary electrical lines but maintaining above-ground service drops does not require the removal of utility poles,[17] and also allows communications equipment to remain in place.[18] Both the United States Congress and the California Legislature have determined that it is in the public interest for electric utilities to make their pole infrastructure available to communications companies for use in serving customers.[19] Doing so is an efficient use of the public rights-of-way and reduces the cumulative cost of essential utility services. Maintaining communication facilities on existing poles also is consistent with the public interest because overhead communications lines pose virtually no wildfire ignition risk.[20] Communications lines have limited voltage, power, and current levels.[21] "These communications circuits are safe and do not pose an inherent ignition risk based on their defined voltage and the heavily shielded and insulated makeup of the coaxial cable used in the network."[22]

---

1437:7-14; 1437:26-1438:2, *available at*: https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M496/K629/496629038.PDF.

[14] Comcast GRC Opening Brief at 9-10; PG&E (Martin) GRC Tr. at 1431:28-1432:6; 1432:9-11.

[15] Comcast GRC Opening Brief at 10; PG&E (Martin) GRC Tr. at 1432:21-25.

[16] Comcast GRC Reply Brief at 3 (Dec. 9, 2022) (emphasis added), https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M499/K772/499772930.PDF; PG&E (Martin) Tr. at 1431:23-27 (affirming that undergrounding a service drop may include digging trenches across homeowners' yards); 1437:7-14; 1437:26-1438:2; *id*. at 1431:28-1432:6; PG&E (Pender) GRC Tr. at 1432:9-11 (confirming that electric panels on houses are generally configured for either overhead service drops or underground service drops, but not both); *id.* PG&E (Martin) GRC Tr. at 1434:28-1435:1 (undergrounding service drop lines and replacing electric service panels can cost in the high hundreds to thousands of dollars *per customer*).

[17] *See* Attachment A.

[18] Note, however, that there are instances in which the State and individual municipalities may prefer that all utilities underground their overhead facilities together. For example, when PG&E unilaterally decided to underground its overhead facilities in the Town of Paradise, the local jurisdiction sought to require Comcast and other communications companies to underground their facilities as well. Thus, when an IOU unilaterally decides to underground its facilities, other entities with facilities attached to those poles may face significant pressure to underground as well. Comcast (Votaw) GRC Tr. at 2522:3-13, 2523:8-13 (Aug. 26, 2022), https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M496/K676/496676255.PDF.

[19] *See* 47 U.S.C. § 224(f); Pub. Util. Code § 767.5(b).

[20] Ex. Comcast-04 (Slavin Rebuttal Testimony) at 3:19-21.

[21] *Id*. at 4:16-17.

[22] *Id*. at 4:17-19.

For the reasons above, OEIS's Undergrounding Guidelines should ensure that the IOUs exclude electric service drops from their undergrounding plans. This is consistent with PG&E's approach in its current GRC application at the CPUC, where PG&E's cost forecasts omit the costs associated with undergrounding service drop lines and replacing customers' service panels. It is also consistent with PG&E's online Undergrounding Fact Sheet.[23] If an IOU seeks to underground any service drops, the Undergrounding Guidelines should require them to bear the burden of demonstrating that it is necessary in specific circumstances.

***b)*** **OEIS intends to require the IOUs to provide the circuit number, mileage, and location (including whether the project is in a tier 2 or tier 3 high fire-threat district or rebuild area) for each undergrounding project. What other information should be provided for this identification? Should the large electrical corporation include projects located in utility-identified high fire risk areas (HFRA)?**

In addition to the information identified by OEIS, the OEIS undergrounding guidelines also should require the following:

***1) The IOUs Should Provide Detailed Information About the Specific Routes That Will Be Undergrounded, Including Which Poles Will Be Affected, Whether Those Poles Will Be Topped or Removed, and Which Facilities Will Be Undergrounded***

Due to the significant impact that undergrounding may have on the State's existing broadband infrastructure and communications providers,[24] the Undergrounding Guidelines should require the IOUs to identify, using GIS coordinates, the specific routes and poles included in their undergrounding plans. For each route, the IOU should specify whether the IOU requests to remove or "top"[25] its IOU-owned utility poles.[26] The IOUs should also specify the specific overhead facilities intended for undergrounding. For example, the IOUs should specify by route whether they intend to underground primary lines, secondary lines, and/or service drops – and whether they intend to keep poles in place.

[23] *See* Attachment A.

[24] Comcast GRC Opening Brief at 23-24.

[25] There is no reason to "top" a utility pole after the removal of electrical facilities. The resulting vacated vertical space on a pole can be used to expand the space available for communications and other pole attachments.

[26] Although the IOUs may have a unilateral right to make pole removal decisions for their solely owned poles, that is not the case for jointly owned poles. Jointly owned poles are subject to the requirements of the applicable joint pole agreements, such as the Northern California Joint Pole Association and the Southern California Joint Pole Committee.

### ***2) The IOUs Should Be Required to Provide Affected Attachers With a 2-Year Advance Notice of Their Intent to Remove Poles***

OEIS should also establish Undergrounding Guidelines that require the IOUs to notify all entities attached to affected poles, including communications providers, at least two years before taking any action to remove poles. Being forced to underground *all* facilities on a pole can impose significant costs on multiple stakeholders, which would harm the public interest by forcing communications providers and other entities to divert finite resources that otherwise would be used for other, better purposes. This would distort competitive forces and complicate marginal investment decisions, which could result in less or delayed availability of advanced services and/or increased prices.[27] The notice period will ensure that communications providers have the opportunity to plan ahead for any of their own facilities that must be undergrounded. All pole attachers need sufficient time to plan for undergrounding if that is the option they are forced to take. The notice period is also necessary to ensure that communications providers have sufficient time to either purchase the poles being vacated by the IOU, or for any necessary network design, project planning, and construction so that communications facilities can be moved without disrupting service to customers. This includes planning for IOU undergrounding any power supply facilities serving existing or planned wireless sites on utility infrastructure. Wireless carriers and other communications providers need sufficient time to ascertain the effects of and coordinate reasonable, cost-effective, and equitable changes to power service arrangements to accommodate IOU undergrounding. Written notice should be given to any entity with facilities on the affected poles or pending applications for attachments to those poles.

### ***3) The IOUs Should Be Required to Explain Any Undergrounding Projects They Pursue Outside Tier 2 and 3 HFTDs***

OEIS should require that the Undergrounding Guidelines direct IOUs to follow the CPUC's Fire Map of High Fire-Threat Districts ("HFTDs") and not the IOUs' internally developed fire threat maps. Thus, the Undergrounding Guidelines should ensure that the IOUs' undergrounding efforts are concentrated in areas where wildfires are most likely to ignite: the CPUC's Tier 2 and Tier 3 HFTDs. If the IOUs seek to underground facilities outside of the CPUC-defined HFTDs, OEIS's Undergrounding Guidelines should require the IOUs to identify these potential undergrounding projects at least two years in advance and bear the burden of demonstrating to the CPUC that such undergrounding is necessary and appropriate before receiving cost recovery.

[27] Comcast GRC Opening Brief at 24.

***d)*** **8388.5(c)(3) requires the large electrical corporation to provide: (1) timelines for the completion of identified and prioritized undergrounding projects; (2) unit cost targets for each year covered by the plan; and (3) mileage completion targets for each year covered by the plan. Are there other completion metrics or annual targets that should be included in the Undergrounding Plan?**

To ensure that the IOUs act in accordance with their approved Undergrounding Plans, OEIS should include in the Undergrounding Guidelines an enforcement mechanism that will apply if the IOUs deviate from their approved undergrounding plans, including any unapproved deviation from the specified routes, poles or configured details. Certainty regarding these details is critical to allow advance planning by pole attachers. In addition, OEIS should confirm the IOUs' compliance with the above-proposed two-year notice requirement to communications providers and other attachers prior either to the removal of utility poles or to IOU's proposals to underground facilities outside of the CPUC-defined HFTDs.

Very truly yours,

*/ s / Jerome F. Candelaria*
Jerome F. Candelaria
Vice President and General Counsel, Regulatory Affairs, CalBroadband

*For the Communications Industry Parties*[28]

Attachment

[28] The signatory has been authorized to submit these comments on behalf of all the Communications Industry Parties.

# Attachment A
# PG&E Undergrounding Fact Sheet (Aug. 2023)

# Undergrounding

## A Safer, Stronger and More Affordable Energy Future

AUGUST 2023

**To better serve our customers and communities and reduce wildfire risk, PG&E is undergrounding 10,000 miles of powerlines.**

## What is undergrounding?

Undergrounding is the process of moving sections of overhead powerlines beneath the ground. This work will benefit our customers by:

- Helping prevent wildfires caused by equipment
- Reducing power outages and improving reliability
- Driving long-term affordability
- Decreasing the need for future tree work

## Where will work take place?

We are focusing our undergrounding efforts in areas where we can have the greatest impact on reducing wildfire risk. You can view maps of our work on our website.

### Undergrounding nearly eliminates wildfire ignition risk at that location

This makes it one of the most effective ways to reduce wildfire risk at the **lowest long-term cost to customers**.

# 350

### miles planned for 2023

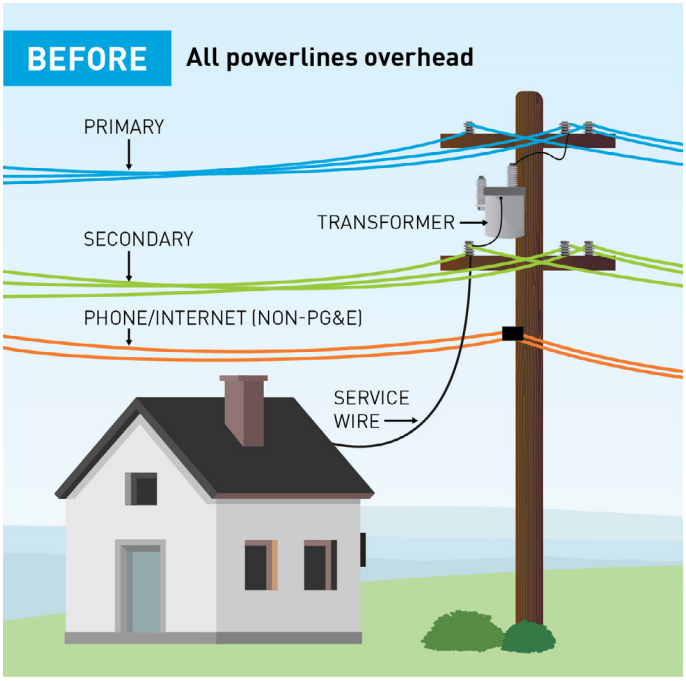
We are ramping up to underground hundreds of miles per year, to a total of approximately **2,300 miles undergrounded by 2026**.

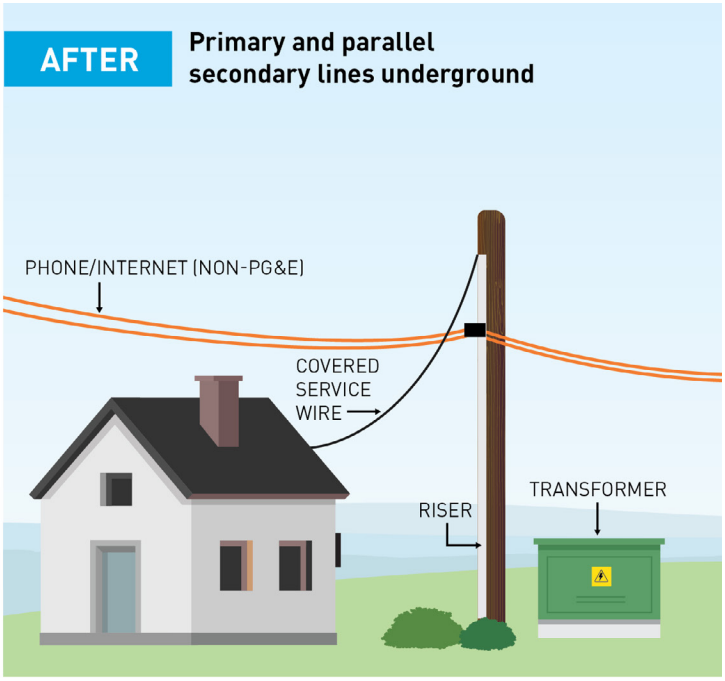
Learn more at **pge.com/undergrounding**.

# What can you expect?

## We are moving powerlines that have the highest ignition risk underground.

This generally includes undergrounding the powerlines that deliver electricity to your neighborhood. Some equipment, like the service line connecting to your home or non-PG&E-owned telecomm lines, will remain. Additional above ground equipment may need to be installed. We will continue to explore opportunities for undergrounding other equipment or hardening above ground equipment to reduce wildfire risk.




For illustrative purposes only. Not to scale.

## Working together

We will keep customers and communities informed throughout this process. We will notify impacted property owners before, during and after work is completed.

For translation support in 240+ languages, call PG&E at **1-866-743-6589**.
To receive communications in large print or Braille, call **1-800-743-5000**.