

**BEFORE THE STATE OF CALIFORNIA  
OFFICE OF ENERGY INFRASTRUCTURE SAFETY**

*VIA E-FILE*

October 3, 2024

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 – EUP Guideline Development for  
Electrical:Undergrounding Plans  
Comments of AT&T California, the California Broadband & Video Association,  
Crown Castle Fiber LLC, and Sonic Telecom, LLC, on the September 13, 2024,  
Revised Draft 10-Year Electrical Undergrounding Plan Guidelines**

Dear Ms. Ralff-Douglas:

Pursuant to the September 13, 2024 notice memorandum, AT&T California, the California Broadband & Video Association (“CalBroadband”),<sup>1</sup> Crown Castle Fiber LLC, and Sonic Telecom, LLC (collectively, the “Communications Providers”) respectfully submit these opening comments on the Revised Draft 10-Year Electrical Undergrounding Plan Guidelines (“Draft Guidelines”) issued by the Office of Energy Infrastructure Safety (“OEIS”) on September 13, 2024.

**The Draft Guidelines Must Include the Potential Massive Impact of Undergrounding on  
Communications and Broadband Providers in California**

Pacific Gas and Electric Company (“PG&E”) intends to underground 10,000 miles of power lines.<sup>2</sup> PG&E’s undergrounding program would have a significant impact on communications service providers, who may be forced to underground thousands of miles of facilities. At an estimated cost of \$1 million per mile,<sup>3</sup> the financial burden on communications and broadband providers from PG&E’s plan could reach \$10 billion, and the undergrounding plans of the other investor-owned utilities (“IOUs”) that are subject to the Draft Guidelines could substantially increase that financial burden. To put this in perspective, this number significantly exceeds the approximate \$7

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<sup>1</sup> CalBroadband 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.

<sup>2</sup> See <https://www.pge.com/en/outages-and-safety/safety/community-wildfire-safety-program/system-hardening-and-undergrounding.html>

<sup>3</sup> See A.21-06-021, Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2023, Opening Brief of Pacific Bell Telephone Company d/b/a AT&T California at 7-9 (Nov. 4, 2022).

billion that the state is investing to encourage broadband deployment in unserved and underserved areas.<sup>4</sup>

Additionally, the Draft Guidelines would be particularly problematic for providers, including the Communications Providers, that are rapidly deploying infrastructure, in some cases to wide areas, via attaching fiber aerially to existing utility poles. By failing to include these providers' costs to underground fiber-optic facilities in the cost-benefit analysis of IOU undergrounding, the Draft Guidelines skew that analysis in favor of undergrounding, potentially at the expense of broadband expansion.

The Communications Providers previously explained that any 10-Year Undergrounding Plans submitted to OEIS must include *all* the cost data necessary for OEIS to comply with their Senate Bill ("SB") 884 obligations.<sup>5</sup> OEIS's latest Draft Guidelines eliminate the sole reference to communications and broadband facilities that appeared in the May 8, 2024 version of Draft Guidelines, ignoring the potentially massive impact of undergrounding on California's communications and broadband providers. The *entire* cost of undergrounding, including costs for communications and broadband providers, must be evaluated in the cost-benefit analysis of undergrounding.

Additionally, ignoring the impact of undergrounding on communications services is inconsistent with California Public Utilities Commission ("Commission") Resolution SPD-15 ("Res. SPD-15"),<sup>6</sup> which includes an entire section intended to "offset the potential impacts that [a 10-year undergrounding plan application] may have on communication[s] infrastructure."<sup>7</sup> In this regard, Res. SPD-15 specifically requires that a 10-year Undergrounding Plan Application include description of "[t]he ownership *and use* of existing utility poles where undergrounding projects are planned."<sup>8</sup> The Commission's requirements contain a host of other provisions that will help mitigate the impact of the IOUs' undergrounding efforts on communications companies.<sup>9</sup> OEIS's Draft Guidelines should closely align with the Commission's requirements in Res. SPD-15. Thus, OEIS should ensure that its Draft Guidelines acknowledge and address the potentially massive impact on California's communications and broadband providers.

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<sup>4</sup> Funding for the Federal Funding Account program is \$2 billion (<https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/broadband-implementation-for-california/last-mile-federal-funding-account>); funding for the Broadband Equity, Access, and Deployment Program is \$1.86 billion (<https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/broadband-implementation-for-california/broadband-caseworkers/broadband-funding-and-programs>); and funding for the California Middle Mile program is \$3.25 billion (<https://middle-mile-broadband-initiative.cdt.ca.gov>).

<sup>5</sup> *Opening Comments of AT&T California; the California Broadband & Video Association; Crown Castle Fiber LLC; and Sonic Telecom, LLC on the May 8, 2024 Draft 10-Year Electrical Undergrounding Plan Guidelines* at 1-2 (May 29, 2024) (describing how SB 884 requires that the plan must include the cost data necessary for the Commission to review several cost-related showings).

<sup>6</sup> See: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/safety-policy-division/documents/final-resolution-spd15-adopting-the-commissions-guidelines-for-the-senate-bill-sb-884-program.pdf>.

<sup>7</sup> Res. SPD-15, p. 14.

<sup>8</sup> *Id.*, Attachment 1, p. 10 (emphasis added).

<sup>9</sup> See *id.*, pp. 14-15 and Attachment 1, p. 10.

### **The IOUs Should Not Be Relieved of Their Obligation to Provide Pole Attachment Information**

The Draft Guidelines remove the requirement from the prior draft guidelines for the IOUs to report on whether any communications providers or other third parties have equipment on the poles where the circuit is currently located.<sup>10</sup> Removal of this critical reporting obligation is inconsistent with Res. SPD-15, which requires that a 10-year Undergrounding Plan Application include “[t]he ownership and use of existing utility poles where undergrounding projects are planned.”<sup>11</sup> Further, removing the obligation to provide attachment information would ignore an enormous number of communications attachments on utility poles. The IOUs either have direct licensing agreements with communications providers or know which poles are jointly owned with communications providers, and thus which poles include communications equipment. Accordingly, the Communications Providers ask that the Draft Guidelines be revised to require the IOUs to identify whether communications equipment exists on poles for circuits subject to undergrounding.

### **Conclusion**

For these reasons, the Communications Providers respectfully request that OEIS revise the Draft Guidelines to include (1) the cost of undergrounding on communications and broadband providers in the undergrounding cost-benefit analysis and (2) a requirement for the IOUs to indicate whether any communications companies have equipment on poles for which undergrounding is planned.

Very truly yours,

/s/ Stephen P. Bowen

Stephen P. Bowen

Bowen Law Group

For the Communications Providers<sup>12</sup>

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<sup>10</sup> See Draft 10-Year Electrical Undergrounding Plan Guidelines, Section 2.8.7.2 (May 8, 2024).

<sup>11</sup> Res. SPD-15, p. 14.

<sup>12</sup> The signatory has been authorized to submit these comments on behalf of all the Communications Providers.