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December 7, 2007

Susan M. Hudson, Clerk
Vermont Public Service Board
112 State Street, Drawer 20
Montpelier, VT 05620-2701

RE: PSB Proposed Revisions to Rule 3.700, Pole Attachments

Dear Sue:

Following are Green Mountain Power Corporation's ("GMP") comments on the proposed revisions to Rule 3.700. GMP supports revisions to Rule 3.700 which will facilitate broadband and wireless telephone availability in Vermont consistent with the provision of safe and reliable electric service to GMP's customers at fair and reasonable rates. GMP has reviewed the written comments of Central Vermont Public Service Corporation ("CVPS") and shares much of their concerns, particularly with respect to where and how facilities may be located in the electric space on the pole and who will be performing work on those facilities. GMP's specific concerns and suggestions are listed below.

1) Definition of Broadband Service Provider. GMP generally agrees with CVPS's comments. An alternative to the requirement that the Broadband Service Provider file the specified information with the Board would be for the utilities to require that the information which CVPS suggests be provided to the Board be required in the Broadband Service Provider's attachment application to the utility.

2) Definition of Distribution System. GMP agrees with the comments made at the public hearing on November 20, 2007, and in CVPS's written comments that the definition of *Distribution system* in § 3.702(E) should be eliminated.

3) Rental Calculation. GMP questions the application of § 3.706(D)(1)(b)(i) and (ii) with the inclusion of Broadband Service Providers in the definition of Attaching Entities. Under the current provisions of Rule 3.700, cable television operators are subject to the *1 foot* rate even if they also offer internet access. Only if they also offer

local exchange telephone service do they become subject to the 2 foot rate, as set forth in § 3.706(D)(1)(b)(ii). It is our understanding that the Rule, as revised, contemplates that attachments by Broadband Service Providers will be subject to the two foot rate as they would be included in the language in clause (ii) *all other Attaching Entities* (unless it is established and provided for in the utilities' tariffs that they use a greater amount of space). The result appears to be that internet access if provided by a company that also provides cable TV service will be charged less than internet access where offered by a company that does not also provide cable TV service. GMP recommends that the Board's intent be clarified.

4) Attachment of Antennas Within or Above the Safety Space. GMP is concerned with new § 3.707(A)(4) which allows Broadband service and wireless telephone providers to install antennas within or above the safety space. It appears from comments made at the public hearing that the advantage of allowing installation of antennas in or above the safety space is that the higher the installation the more effective it will be in providing broadband service. Use of the existing utility pole infrastructure may reduce the initial costs for Broadband and wireless telephone service providers. GMP would like to accommodate these interests. However, GMP is concerned that the height benefits from such installations may be offset by the adverse impacts on electric service reliability should the antennas fail and come into contact with electric lines and the safety risks to workers on the pole.

GMP is also concerned with the language which allows installation and maintenance work in this area to be performed by *the electric utility or Outside Contractors*. It is unclear from this language whether the electric utility or Attachee is responsible for conducting the installation and maintenance work. Generally, GMP would require that it control work within the electrical space both because of safety concerns for linemen and the difficulty of coordinating different linemen working on the same pole in that space. But if the electric utility is responsible for maintenance of Attachee's facilities in the electrical space other issues arise, such as, whether it is appropriate or feasible for electric utilities to take responsibility for maintaining Attachees' broadband antennas and whether liability risks would increase. Having electric utilities responsible for Attachee's facilities is particularly problematic during storm events when the electric utilities' priority is restoring electric service.

GMP further submits that the language in § 3.707(A)(4) allowing installation of antennas in or above the safety space conflicts with § 3.707(A)(1) which specifies that a *Pole-Owning Utility may deny access for reasons of safety, reliability, or generally applicable and accepted engineering standards*. GMP's applicable engineering standards do not permit non-electric facilities in the electric space on the pole.

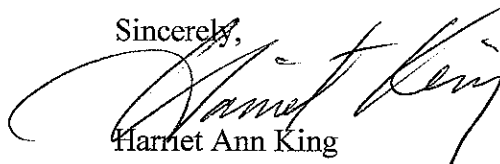
5) Termination Demarcation. GMP shares concerns expressed at the public hearing that § 3.707(A)(5) is too broadly drafted and may result in unintended results, such as allowing dish TV antennas to be located on utility poles. GMP questions the necessity of addressing *customer premises for purposes of service delivery*, or if it needs to be addressed, possibly the language proposed by CVPS in its written comments resolves concerns expressed at the public hearing.

6) Make-Ready Action and Survey. GMP agrees with comments made by other utilities that the language added to § 3.708(C) should be revised to refer to when the application is *received* rather than *submitted*. GMP suggests that the provision be revised to read *starting from the date a fully completed application and any required advance payment is received*.

7) Installation and Maintenance of Attachments. GMP objects to new paragraph (2) in § 3.707(G). The paragraph allows Attaching Entities to hire Outside Contractors from a list maintained by the Electric Utilities to perform installation and maintenance work to equipment belonging to Attaching Entities if the Electric Utility cannot perform the work *in a timely manner*. GMP finds the language confusing, especially when read together with the revision to § 3.707(A)(4) discussed in paragraph 4) above. GMP recommends that the concerns raised in paragraph 4) above and raised by others with respect to antennas located within and above the safety space and the maintenance obligations for those facilities be explored in greater depth at a workshop focusing only on those issues.

GMP thanks the Board and Hearing Officer for consideration of these comments. GMP looks forward to reviewing the comments of other participating entities in the rulemaking and expects to file further comments addressing their stated concerns. Further, as stated above, GMP recommends additional workshops to address the installation of antennas in the electrical space and maintenance obligations with respect to concerns over safety, reliability and liability.

Sincerely,



Harriet Ann King

HAK/dp
GMP/Rule3700psbcomments
cc: John Cotter, Esq.