

July 3, 2018

The Honorable Maria Cantwell  
511 Hart Office Building  
Washington D.C. 20500

The Honorable Patty Murray  
154 Russell Senate Office Building  
Washington D.C. 20500

Re: WPUDA opposition to S. 3157 "A bill to streamline siting processes for small cell deployment"

Dear Senator Cantwell and Senator Murray:

On behalf of the Washington Public Utility Districts Association I am requesting your support in rejecting language included in S. 3157 that would undermine the ability of PUDs to charge utility pole attachment rates that are just, reasonable, non-discriminatory and sufficient to recover PUD costs.

S. 3157 sponsored by Senators John Thune and Brian Schatz is intended to fast track deployment of next generation (5G) small cell wireless service. The legislation would strip a provision in the Communications Act of 1934 that explicitly exempts public power utilities from Federal Communications Commission pole attachment regulations and oversight. This exemption recognizes that oversight is not necessary or appropriate for public power pole attachments and allows for rate setting policy at the state or local level.

In Washington State, PUD pole attachment rates are based on a formula specified in state law. The law was passed in 2008 with the legislative intent to encourage joint use of utility poles by providing a consistent, cost-based formula for calculating rates that ensures PUD customers do not subsidize licensees. The state law was fully vetted during the legislative process and has been affirmed by Washington State courts as just and reasonable.

S. 3157 would negate the FCC exemption for public power and enable the FCC to preempt our state law imposing federal pole attachment rates. These rates provide no assurance that PUDs would be able to recover costs. If costs cannot be recovered, not-for-profit, community-owned PUDs would have to use ratepayer funds to subsidize private companies.

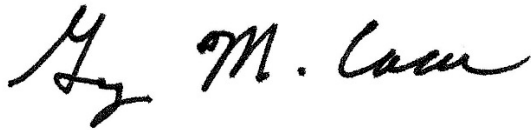
While 5G technology provides many positive attributes, the small cell technology is best suited for dense urban environments, not rural areas such as those served by many of our public utility districts.

Therefore, S. 3157 could result in PUD ratepayers subsidizing private companies without receiving a corresponding benefit of advanced wireless technology.

The Washington PUD Association is a strong supporter of increased access to broadband services and we have been engaged in extensive policy discussions with stakeholders to provide a pathway forward that results in increased access to quality service. We urge you to preserve the existing provision in Federal law that ensures PUDs are able to recover costs for pole attachments with fair and just rates in accordance with state law and look forward to further discussions regarding solutions that best meet the needs of all Washingtonians.

Thank you for your consideration. Please feel free to contact me if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "G. M. Caan". The signature is fluid and cursive, with the first name "G." and the last name "Caan" being the most prominent parts.

George Caan, Executive Director  
Washington Public Utility Districts Association