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***Via Electronic Mail***

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Re: Comments of Frontier Florida LLC ("Frontier")  
Docket No. 20210138-PU; Draft of Rule 25-18.020

Dear Ms. Harper and Commission Clerk:

Frontier appreciates the Staff's efforts in preparing a draft of Rule 25-18.020, F.A.C., Pole Inspection and Maintenance. Attached hereto Frontier provides its proposed redline revisions to the draft Rule. Frontier's explanations for those revisions are set forth below.

Rule 25-18.020(3) Inspection Cycle and Repair and Replacement of Poles.

With respect to subsection (a), other states, such as Oregon, require that poles carrying overhead electric facilities be inspected on a ten-year cycle with a recommendation that ten percent of the poles be inspected annually. *See* Ore. Admin. Rule 860-024-0011(1)(b)(A). Frontier believes that such a 10-year cycle is reasonable and, therefore, recommends that the Commission adopt that same standard.

Frontier has modified subsection (b) to identify what actions may serve as an inspection. It has also revised this provision to more clearly set forth when a pole needs to be remediated.

Rule 25-18.020(4) Vegetation Management Cycle.

Frontier has revised this proposed rule because it conflicts with Fla. Stat. §366.04(9)(b)(2). As drafted, the rule seeks to require communications services providers to perform vegetation management on overhead facilities owned by public utilities on a three-year cycle. But the statute requires that the Commission adopt "[v]egetation management requirements for *poles* owned by providers of communications services," not overhead electrical facilities.

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The proposed rule also conflicts with Frontier's joint use agreements, which do not authorize Frontier to perform vegetation management for an electric utility's overhead facilities. Instead, that responsibility rests with the utility that owns the facilities.

Finally, Frontier has revised this rule to make it consistent with the requirements of the National Electric Safety Code (the "NESC") Rule 218. NESC Rule 218 only requires that vegetation management be performed "as experience has shown to be necessary," not on a particular calendar cycle.

Rule 25-18.020(5) Annual Reports.

Frontier believes that an annual reporting requirement would be unduly burdensome and would not have any meaningful impact on safety. Frontier, therefore, recommends that the Commission require each provider to (a) maintain written records to demonstrate compliance with these rules and (b) provide a report of its pole inspections during the fifth year of the inspection cycle. Such a requirement is consistent with the pole inspection requirements developed and implemented by Oregon. See Ore. Admin. Code 860-024-0011(1)(b)(A)(i) and (ii).

Thank you again for allowing Frontier to offer these comments. Please feel free to contact me if you have any questions or concerns about Frontier's proposal.

Best regards,



Gregory C. Brubaker

Enclosure

cc: Allison Ellis (via electronic mail only)  
Angie McCall (via electronic mail only)  
Interested Parties (via electronic mail only)

## Frontier Proposed Revisions to Draft Rule 25-18.020

### 25-18.020 Pole Safety, Inspection, Maintenance, and Vegetation Management.

(1) This rule applies to all communications services providers as defined in Section 366.02(5), F.S., that own poles as defined in Section 366.02(6), F.S. This rule does not apply to poles used solely to support wireless communications service facilities or poles with no public utility electrical overhead facilities attached. For the purposes of this rule, “overhead facilities” are defined as fixtures, conductors, wires, cables, and other devices owned by public utilities that are attached to poles owned by a communications services provider.

(2) Safety, Inspection, and Maintenance Standards. Each communications services provider must exercise due care to reduce hazards to which its employees, customers, and the public may be subjected by reason of its poles. Accordingly, all poles of communications services providers subject to the Commission’s jurisdiction under Section 366.04(9), F.S., must be constructed, installed, maintained, and inspected in accordance with the 2017 National Electrical Safety Code (NESC) C2-2017, which the Commission hereby adopts and incorporates by reference. Each communications services provider that owns poles with public utility overhead facilities attached must comply with the standards in these provisions. The 2017 NESC C2-2017 is copyrighted and may be inspected and examined at no cost at the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. A copy of the NESC C2-2017 may be obtained from the Institute of Electric and Electronic Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997.

(3) Inspection Cycle and Repair and Replacement of Poles.

(a) Each communications services provider must conduct inspections of its poles at least every ~~insert inspection cycle~~ ten (10) years to ensure adherence to the strength and clearance standards of the NESC with a recommended inspection rate of ten percent (10%) of poles per year.

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- (b) Inspections include, but are not limited to, visual checks or practical tests to the extent required to identify violations of NESC standards. Poles violating NESC standards failing strength testing must be remediated repaired or replaced to meet NESC those standards.
- (4) Vegetation Management Cycle. Each communications services provider must ~~clear~~ overhead facilities of vegetation at least every three years must perform vegetation management of its poles as experience has shown to be necessary.
- (5) Annual Reports. By June 1 ~~of each~~ during the fifth year of the inspection cycle, each communications services provider must file with the Commission Clerk an ~~Annual R~~ r report.
- (a) The ~~Annual R~~ r report must set forth whether fifty percent (50%) or more of the communications services provider's poles have been inspected pursuant to this rule during the current inspection cycle.
- (b) If the communications services provider reports to the Commission that less than fifty percent (50%) of its poles have been inspected pursuant to this rule during the current inspection cycle, the report must include a plan for Commission approval to inspect the remaining percentage within the next five (5) years. The Commission may modify the plan or impose conditions to ensure sufficient inspection for safety purposes.
- (6) Written Records. Each communications services provider must maintain written records of poles, plans and schedules to show that inspections and corrections are being carried out in compliance with these rules include the following information for the prior calendar year:
1. ~~\_\_\_\_\_~~ The number of poles owned in whole or in part by the communications services provider at the beginning and at the end of the calendar year;
  2. ~~\_\_\_\_\_~~ The number of poles that were scheduled for inspection;
  3. ~~\_\_\_\_\_~~ The number of poles actually inspected;
  4. ~~\_\_\_\_\_~~ The number of poles that failed inspection;

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~~5. The number of poles strength tested;~~

~~6. The number of poles that failed strength testing;~~

~~7. The number of poles repaired and a summary of the repairs;~~

~~8. The number of poles replaced and reason for replacement;~~

~~9. The number of poles relocated and reason for relocation;~~

~~10. The total miles of vegetation management conducted;~~

~~11. The total miles of vegetation management conducted for each technique used;~~

~~12. A description of the company's emergency procedures and protocols, including any actual repairs or replacements of poles; and~~

~~13. A description of the company's storm restoration procedures and protocols including any actual repairs or replacements of poles.~~

~~(b) The Annual Report must include the following information for the upcoming calendar year:~~

~~1. The number of poles to be inspected;~~

~~2. The total miles of overhead facilities for which vegetation management will be conducted; and~~

~~3. The total miles of each vegetation management technique to be used.~~

~~(67)~~ Penalties. A willful violation or refusal to comply with this rule will result in monetary penalties as follows:

(a) \$500 for the first violation;

(b) \$1,000 for the second violation;

(c) \$1,500 for the third violation;

(d) \$2,000 for the fourth violation; and

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- (e) \$5,000 for the fifth and any subsequent violation.