

November 15, 2021

Via Electronic Mail

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Re: Comments of Embarq Florida, Inc., d/b/a CenturyLink
Docket No. 20210138-PU; Draft of Rule 25-18.020

Dear Ms. Harper and Commission Clerk:

Embarq Florida, Inc. d/b/a CenturyLink (“CenturyLink”), is grateful for this opportunity to participate in this workshop.

In its review of the proposed draft rules, CenturyLink sees two immediate issues that require the Commission’s attention.

First, the Commission should clarify how many poles need to be reviewed during a specific time frame. CenturyLink recommends a ten-year cycle to review the pole inventory in its entirety.

For example, CenturyLink reviews its entire pole inventory of more than 2.2 million poles every ten years, with approximately ten percent of the total poles in a given jurisdiction subject to inspection each year. CenturyLink suggests that the rule provide flexibility to allow for different reporting periods, different inspection percentages, and other individual company procedures.

In this context, CenturyLink would support the establishment of a “maximum interval” between detailed inspections of ten years, meaning a company may choose a shorter interval, with a “recommended inspection rate” of ten percent of overhead facilities per year. Reports could be due every three to five years at the option of the company, and then either a) report that the company has inspected 50 percent or more of its facilities (if the report is for five years) or b) report that the company has inspected less than 50 percent of its facilities and present a plan to bring the inspection rate to 100 percent in the next five years. This is only an example. CenturyLink supports flexibility in this regard. Inspection should be defined to include “visual checks or practical tests” of the facilities, to the extent required to identify violations of

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Commission safety rules, which in turn should reference the National Electric Safety Code or “NESC” as the source of the Commission’s safety rules.

Second, the Commission should reconsider its proposed rules related to vegetation management. As drafted, the current rules improperly shift costs from power companies to telecommunications carriers.

The primary concern with tree trimming arises in the electric space. The NESC, requires power providers to undertake vegetation management to avoid contact of electric lines with trees, including removal of vegetation that is close enough to cause electrical arcing and, potentially, fires. Vegetation management in the power space is a cost that companies like CenturyLink would not incur but for the presence of electric lines on their poles. The cost to manage vegetation management in the power space is one that applicable law, and CenturyLink’s contracts, require to be undertaken by the power provider. (CenturyLink will contribute to the costs if the power provider also manages vegetation in the communications space.)

This approach to vegetation management allows electric companies to use their own forestry divisions to manage the work and to prioritize its vegetation management efforts based on its own important safety concerns. It also avoids having two (or perhaps more) teams duplicating efforts and allows for the sharing of costs between and among the interested parties when vegetation work benefits all parties.

By contrast, the proposed rule would alter this existing and well-functioning framework by shifting oversight cost and compliance to communications pole owners. This duplicative cost is not one telecommunications companies would normally incur, and by forcing the cost to companies like CenturyLink, the Commission would be implementing a regulatory taking of company property in contravention of law.

CenturyLink would support clearer rules for vegetation management that recognize current operational modes under existing law and in contracts.

Lastly in this regard, CenturyLink has reviewed and supports the comments of Frontier Communications, filed October 27, 2021, in this same docket.

Very truly yours,

/s/ Gary B. Witt