

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.27.01 – Rules Governing Pole Attachments

Who does this rule apply to?

These rules apply to all pole attachments by a public utility and a provider of telecommunications service, broadband, or cable services company.

What is the purpose of this rule?

Many public utilities have, through a course of conduct covering many years, made available space on and in their poles, ducts, conduits, and other support structures for use by the cable services industry for pole attachment service, and that the provision of such pole attachment service by such public utilities is and has been a public utility service. These rules establish permitting timelines for pole attachments.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

- Authority of Pole Attachments – Regulation. Section [61-538](#)(5), Idaho Code

Who do I contact for more information on this rule?

Idaho Public Utilities Commission
Monday-Friday 8:00am – 5:00pm
11331 W. Chinden Blvd, Ste. 201-A
Boise, ID 83714
P.O. Box 83720
Phone: (208) 334-0323
Fax: (208) 334-4045
Email: secretary@puc.idaho.gov
www.puc.idaho.gov

This rule chapter will be reviewed in compliance with Section [67-5292](#), Idaho Code, and in accordance with the 8-year rule review schedule linked [here](#).

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31.27.01 – RULES GOVERNING POLE ATTACHMENTS

000. LEGAL AUTHORITY.

[Section 61-538, Idaho Code.](#)

(7-1-26)

001. SCOPE.

These rules apply to all pole attachments by a provider of telecommunications service, broadband, or cable services company.

(7-1-26)

002. DEFINITIONS.

01. Application. The application request as required by an agreement between the pole owner and attaching entity.

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02. Attaching Entity. A provider of telecommunications, broadband, or cable services with or seeking pole attachments. A single attaching entity shall include multiple subsidiaries from the same parent company.

(7-1-26)

03. Commission. The Idaho Public Utilities Commission.

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04. Coordination Between Attaching Entities. A requesting attaching entity's communication or coordination with other attaching entities for completion of make-ready work.

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05. Make-Ready Work. Work required to prepare a pole for a new or modified attachment, including rearrangements or pole replacements.

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06. Permit. A written or electronic authorization from the pole owner to install a pole attachment.

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07. Pole. A utility pole used for electric distribution at or below thirty-four point 5 kilovolt (34.5 kV), which includes transmission poles where existing distribution is under built.

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08. Pole Owner. A public utility that owns or controls poles used for attachments.

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09. Unauthorized Attachment. A pole attachment installed without the pole owner's authorization.

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10. Good and Sufficient Cause. Good and sufficient cause means:

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a. Permitting delays outside the control of both parties;

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b. Lack of coordination between attaching entities for make-ready work;

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c. Stop work orders for wildfire operational restrictions;

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d. Force majeure events;

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e. Electrical safety risks; or

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f. Violations of the applicable pole attachment agreement.

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003. – 009. (RESERVED)

010. TIMELINES FOR PERMITTING PROCESS.

01. Pole Attachment Timelines.

Pole Access Phase	Regular Orders	Mid-Sized Orders	Large Orders
	Under 150 pole attachment requests	151 – 500 pole attachment requests	501 – 1,500 pole attachment requests
Application Completeness Review	14 calendar days	14 calendar days	14 calendar days
Application re-review	7 calendar days	7 calendar days	7 calendar days
Survey/Review on Merits	45 calendar days	60 calendar days	90 calendar days
Make-Ready Estimate	14 calendar days after survey	14 calendar days after survey	29 calendar days after survey
Communications Space Make-Ready	30 calendar days after attaching entity payment of make-ready estimate	75 calendar days after attaching entity payment of make-ready estimate	120 calendar days after attaching entity payment of make-ready estimate
Above Comms Make-Ready (Electric Space)	90 calendar days after attaching entity payment of make-ready estimate	135 calendar days after attaching entity payment of make-ready estimate	180 calendar days after attaching entity payment of make-ready estimate
Multiple pole attachment requests from an attaching entity during a calendar month will be counted toward the number of pole attachment requests in the table above.			

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02. Large Orders. For Large or above large order, an attaching entity must provide a pole owner advanced written notice at least fifteen (15) calendar days prior to submitting an application associated with a single-network deployment. (7-1-26)

a. The notice must include: (7-1-26)

i. The attaching entity's contact information; (7-1-26)

ii. Description of the proposed deployment area; and (7-1-26)

iii. Anticipated route and build-out schedule. (7-1-26)

03. Order Sizes. For order sizes above larger orders, the notice must also include a request for a meet and confer within thirty (30) calendar days of submitting an application or as may be mutually agreed upon by the parties. (7-1-26)

011. – 019. (RESERVED)

020. NON-DISCRIMINATORY ACCESS TO POLES – DENIAL OF ACCESS.

01. Owner/Provider Agreement to Access. A pole owner shall provide nondiscriminatory access to any pole, duct, conduit, owned or controlled by it to any provider of telecommunications service, broadband, or cable services company. A pole owner will require an attaching entity to execute a pole attachment agreement consistent with the duties to provide non-discriminatory access as set forth by Section 030 and upon just and reasonable rates, terms, and conditions. (7-1-26)

02. Denial to Access. Notwithstanding Subsection 020.01 above, a pole owner may deny access on a non-discriminatory basis: (7-1-26)

a. Where there is insufficient capacity (space and/or load on a pole); or (7-1-26)

b. For reasons of safety, reliability, or generally applicable engineering purposes; (7-1-26)

03. Documentation to Support Denial. If access is not granted within the timelines contained in Section 010, the utility must confirm the denial in writing by the Survey/Review on Merits deadline in Section 010. The pole owner's denial of access shall include all relevant documentation and information supporting its denial, and if it is unclear, shall explain how such documentation and information relate to a denial of access for reasons stated above. (7-1-26)

021. – 029. (RESERVED)

030. MAKE-READY WORK.

01. Time Limits Infeasible. If good and sufficient cause makes it infeasible to meet the timelines specified in Section 010, pole owners may deviate from the timelines established in this chapter for make-ready work. (7-1-26)

02. Determination and Notification. Each pole owner must determine if make-ready work or attachment cannot be completed. If deviations from the timeframes in Section 010 are necessary, the pole owner shall notify the new attaching entity and affected existing attaching entities with: (7-1-26)

a. Identification of the affected poles; (7-1-26)

b. An explanation of the reason for the deviation; and (7-1-26)

c. An estimated new completion date. (7-1-26)

03. Resume Routine Operations. The pole owner shall deviate from the time limits specified in this rule for a period no longer than is reasonably necessary under the circumstances to complete make-ready on the affected poles and shall resume make-ready when it returns to routine operations. (7-1-26)

04. Selection of a Mutually Acceptable Third Party. If a pole owner cannot meet the timeframes for attachment established by this rule, the pole owner must notify the attaching entity as soon as reasonably practicable and conduct a meeting with the attaching entity within fifteen (15) calendar days or at a time mutually agreeable to the parties. At the meeting, the parties will select a mutually acceptable third party for make-ready work. Any third party must meet the pole owner's safety and qualification requirements. (7-1-26)

031. – 049. (RESERVED)

050. TIME FOR DECISION – APPLICABLE RULES OF PROCEDURE.

Whenever a public utility and any provider of telecommunications service, broadband, or cable services companies are unable to agree upon pole attachments as regulated by the Commission under [Section 61-538, Idaho Code](#), the Commission will follow the timeframes set forth in [IDAPA 31.01.01.151](#) and the procedural rules adopted in [IDAPA 31.01.01.152](#). (7-1-26)

051. – 999. (RESERVED)