

The Commonwealth of Virginia has 14 localities that own and operate their own electric utility. As proposed, the draft legislation adversely impacts those localities and the operation of their utilities. These localities are represented by the Municipal Electric Power Association of Virginia (MEPAV) and include the cities of Danville, Franklin, Manassas, Martinsville, Radford, Salem and the Harrisonburg Electric Commission and the towns of Bedford, Blackstone, Culpeper, Elkton, Front Royal, Richlands and Wakefield. The Bristol Virginia Utilities Authority and Virginia Tech's Electric Utility, which serves most of the Town of Blacksburg are also members.

MEPAV supports the draft legislation proposed by VML and VACO that would provide for further study of the many complex issues involved with the provision of these wireless services.

With regard to the industry's proposed draft legislation, MEPAV has identified several concerns.

The proposed FCC language referenced on line 260 conflicts with federal law. Under federal law, the FCC formula for pole attachments does not apply to the municipal electrics or the electric cooperatives. It does not apply because Congress felt that the rate paid for pole attachments should be determined by citizens at the local level. Paragraphs E and F of §15.2-2837 should be removed from the legislation.

- It is important to recognize that the FCC formula would cause electric customers to subsidize wireless providers. That was made clear in the State Corporation Commission (SCC) pole attachment proceeding between Comcast and Northern Virginia Electric Cooperative (NOVEC). The SCC authorized a pole attachment fee for NOVEC of about \$21. The FCC formula that investor-owned electric utilities use generates a fee of \$7 or \$8. Municipal electric utility customers should not be forced to subsidize providers of other services.
- Applying the FCC formula for wireless infrastructure pole attachments would create an advantage for those providers over any other providers that attach to municipally-owned utility poles.
- Some of these attachments require electricity. It does not appear that the proposed legislation allows for the recovery of that cost.
- It is worth noting that the 2016 General Assembly rejected FCC formula language proposed in legislation concerning the Bristol Virginia Utilities Authority.

Paragraph E of §15.2-2837 creates safety problems. One provision in this subsection requires municipal electric utilities to allow installation on their utility poles while the pole attachment agreement is being negotiated. This is unheard of for any type of electric utility. A joint use agreement has to be in place prior to any attachments to municipal utility poles to ensure that any attachments are made in the communications part of the pole and not the power line section, which creates numerous safety issues. The locality has to retain control over how attachments are made to its electric system facilities to ensure the safe and efficient operation of its electric utility.

Insufficient time is provided for co-location application approval. Paragraph C of §15.2-2837 requires the approval of a co-location application within 30 days. A more appropriate time frame would be 90 days.