

One Touch Make Ready (OTMR)

FCC 18-111

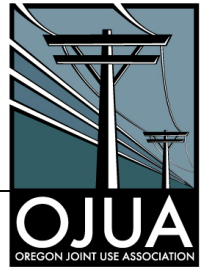
Third Report and Declaratory Ruling

Released August 3 ,2018

Effective May 2019

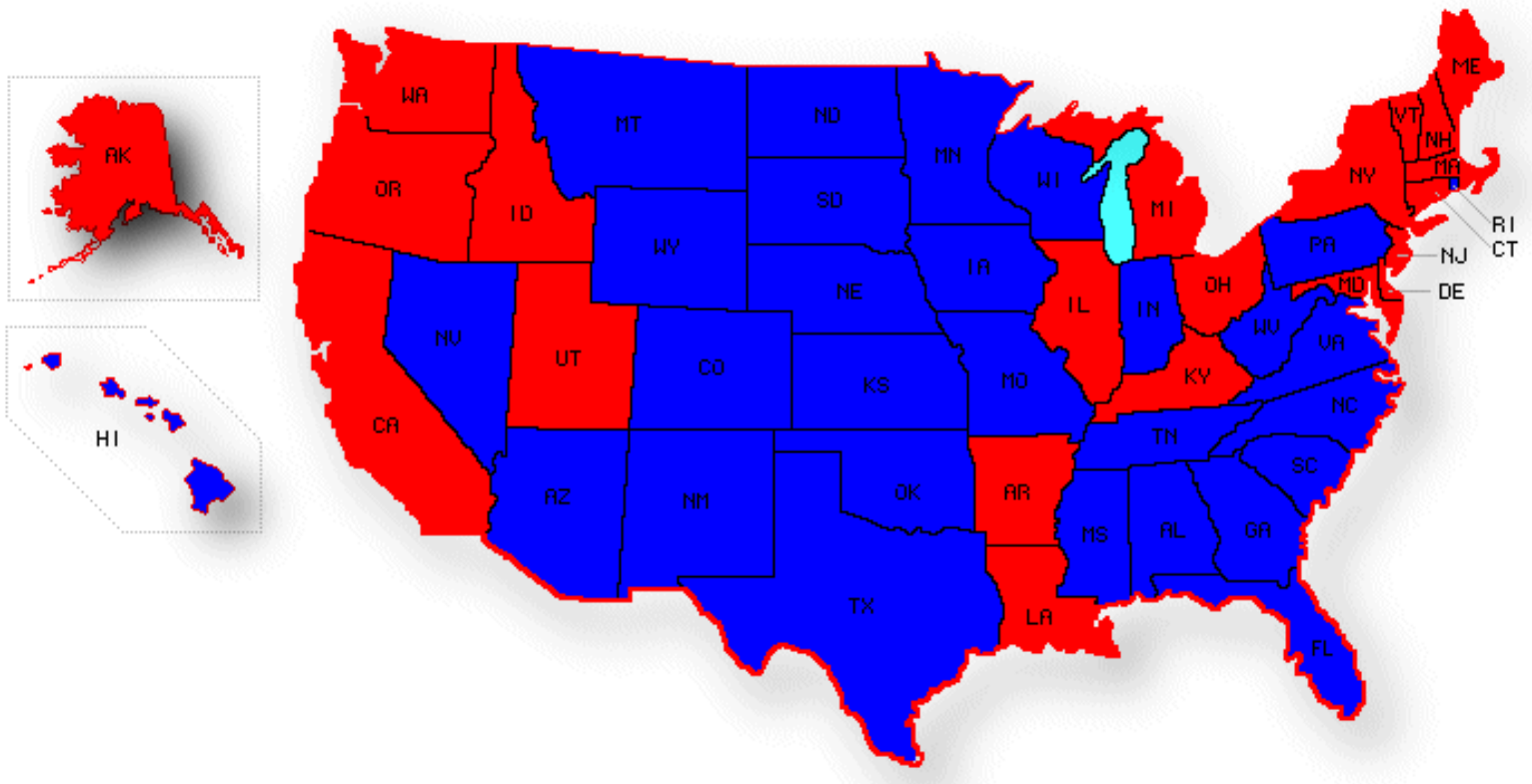


FCC Jurisdiction

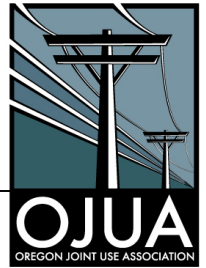


FCC states

- - FCC
- - Self-certified



FCC Statement of Purpose



“ We adopt a new pole attachment process that new attachers can elect that places them in control of the surveys, notices, and make-ready work necessary to attach their equipment to utility poles. With OTMR as the centerpiece of this new pole attachment regime, new attachers will save considerable time in gaining access to poles (with accelerated deadlines for application review, surveys, and make-ready work) and will save substantial costs with one party (rather than multiple parties) doing the work to prepare poles for new attachments. A better aligning of incentives for quicker and less expensive attachments will serve the public interest through greater broadband deployment and competitive entry.”



The One-touch Make-ready Option

- 1. Does not include power make-ready*
- 2. Does not include applications for wireless equipment, like small cells*
- 3. Is not available for pole replacements*
- 4. Applies only to attachments requiring "simple" make-ready in the Communications Space, where "simple" is defined by the pole owner*
- 5. Is separate from the "Self-help" remedies outlined in the rules*
- 6. Must be elected in advance, in writing*

Key Definitions

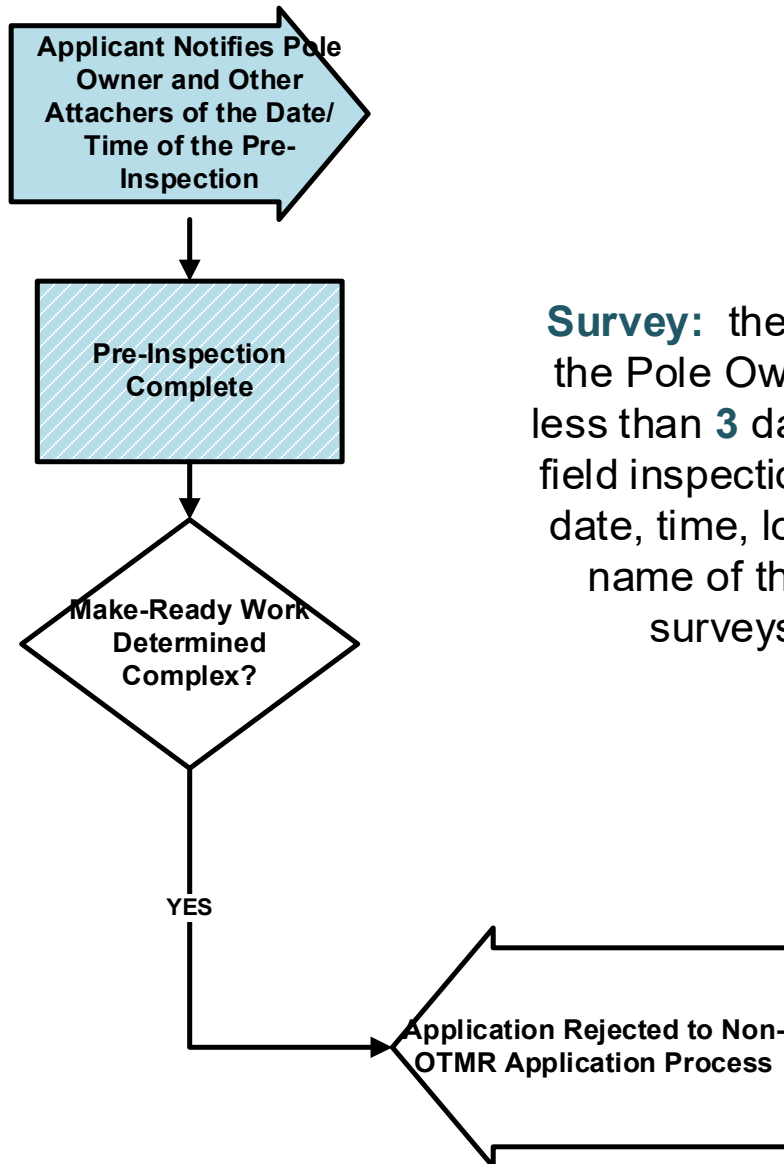


(p) The term **complex make-ready** means transfers and work within the communications space that would be reasonably likely to cause a service outage(s) or facility damage, including work such as splicing of any communication attachment or relocation of existing wireless attachments. Any and all wireless activities, including those involving mobile, fixed, and point-to-point wireless communications and wireless internet service providers, are to be considered complex.

(q) The term **simple make-ready** means make-ready where existing attachments in the communications space of a pole could be transferred without any reasonable expectation of a service outage or facility damage and does not require splicing of any existing communication attachment or relocation of an existing wireless attachment.

(r) The term **communications space** means the lower usable space on a utility pole, which typically is reserved for low-voltage communications equipment.

OTMR Process: determining your path



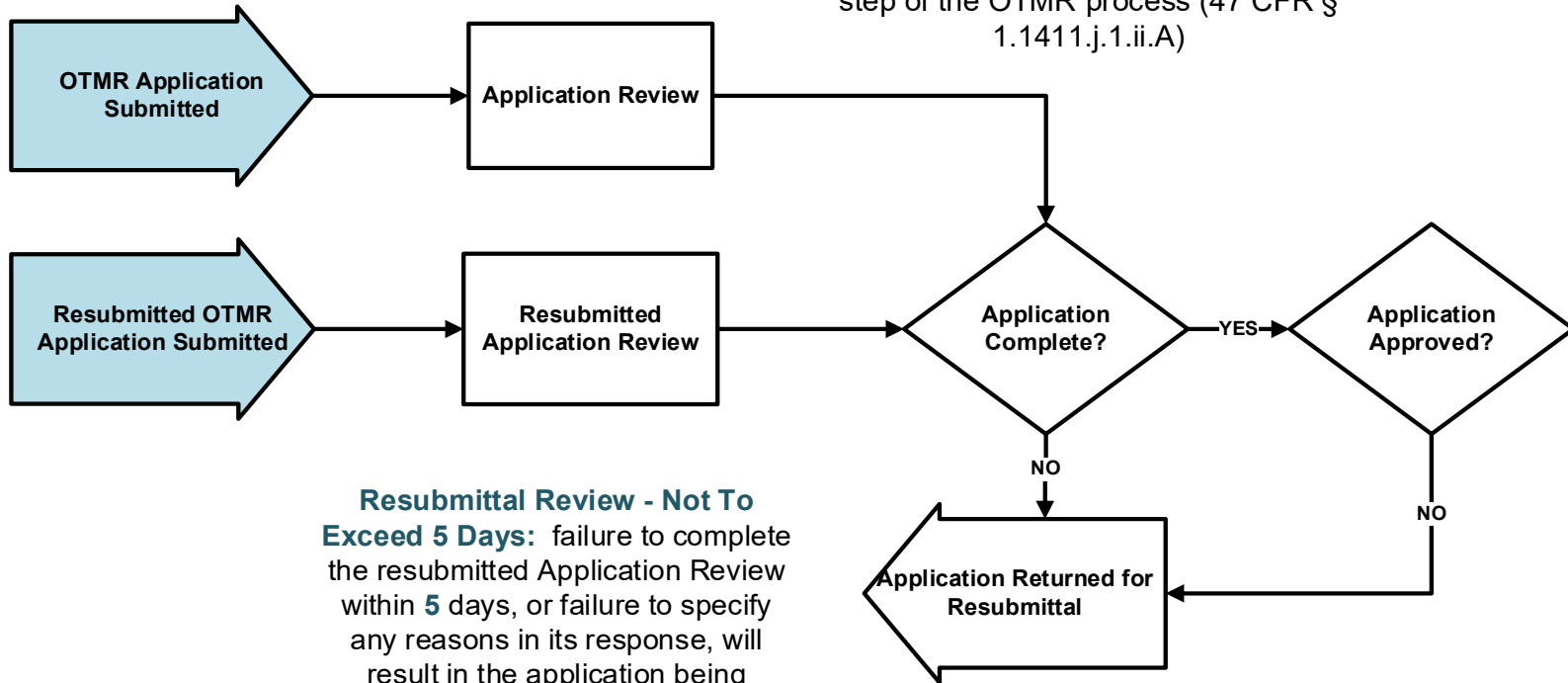
Survey: the Applicant must give notice to the Pole Owner and existing attachers no less than **3** days in advance of performing a field inspection; the notice shall include the date, time, location of the surveys and the name of the contractor performing the surveys (47 CFR § 1.1411.j.3.i)

OTMR Process: the application



An application **MUST** be designated by the Applicant as “One Touch Make-Ready” to be considered for a One Touch Make Ready (OTMR) Application Process (47 CFR § 1.1411.j.1.i)

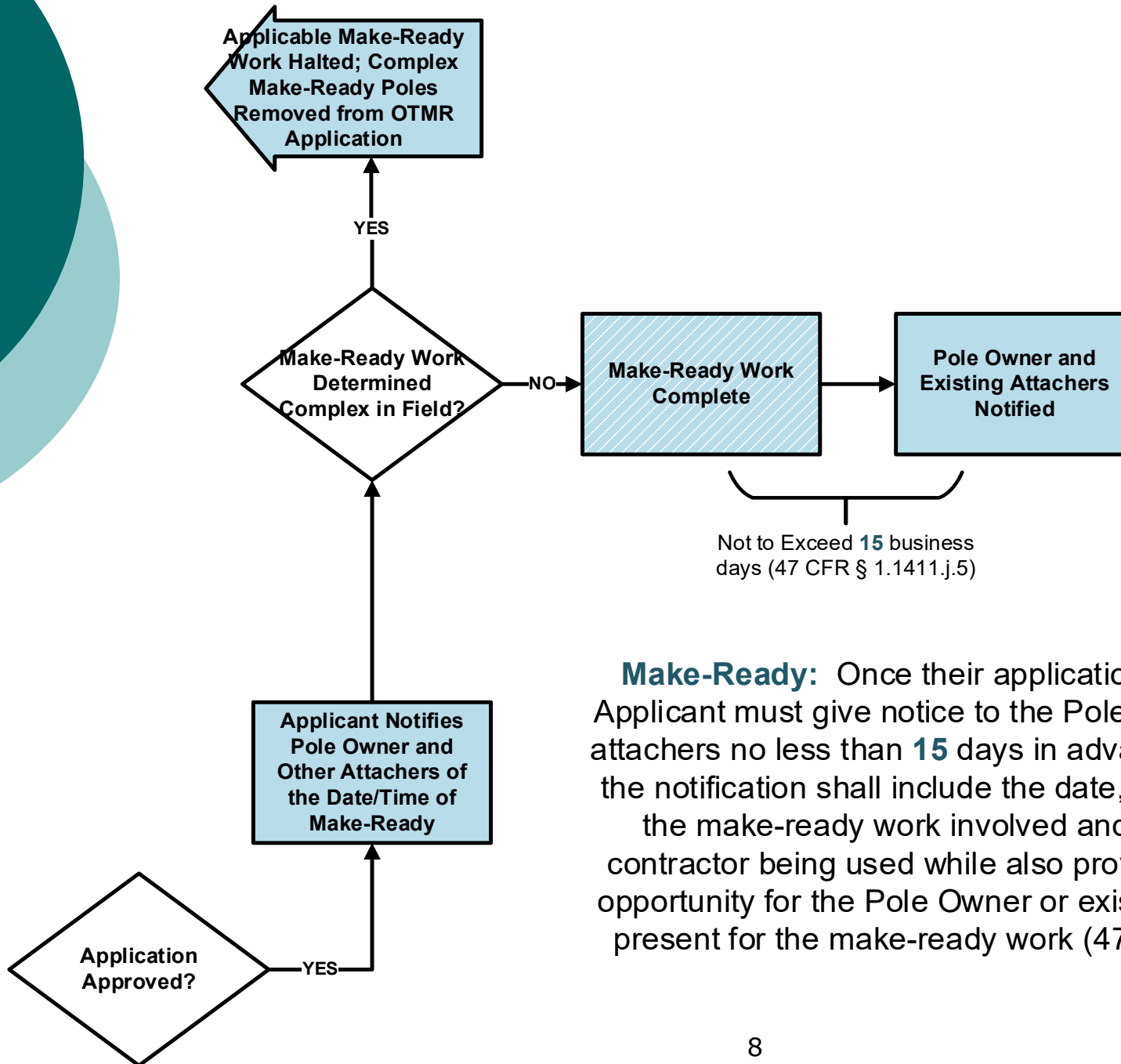
Application Review - Not To Exceed 10 Days: failure to complete the Application Review within **10** days, or failure to specify any reasons in its response, will result in the application being deemed “accepted” and approved to proceed to the next step of the OTMR process (47 CFR § 1.1411.j.1.ii.A)



Resubmittal Review - Not To Exceed 5 Days: failure to complete the resubmitted Application Review within **5** days, or failure to specify any reasons in its response, will result in the application being deemed “accepted” and approved to proceed to the next step of the OTMR process (47 CFR § 1.1411.j.1.ii.B)

Application Review On the Merits: the Pole Owner must approve or deny an application within **15** days of the Pole Owner’s receipt of a complete application (or within 30 days in the case of large orders) (47 CFR § 1.1411.j.2 and 47 CFR § 1.1411.j.2.i); the Pole Owner can reject an application on the assertion that make-ready designated by the Applicant as “simple” is in fact complex (47 CFR § 1.1411.j.2.ii)

OTMR Process: the make-ready



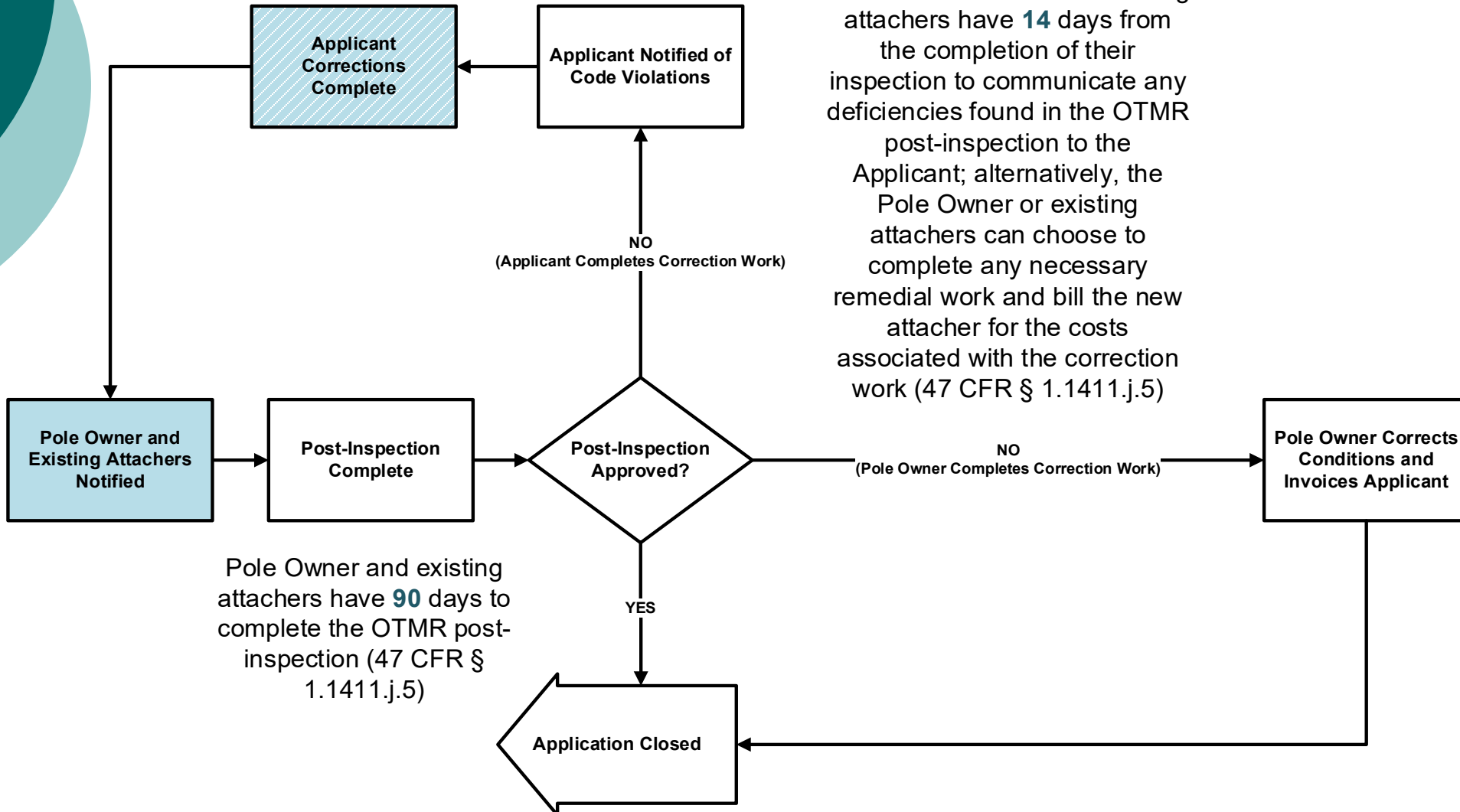
Make-Ready: Once their application is approved, the Applicant must give notice to the Pole Owner and existing attachers no less than **15** days in advance of construction; the notification shall include the date, time, description of the make-ready work involved and the name of the contractor being used while also providing a reasonable opportunity for the Pole Owner or existing attachers to be present for the make-ready work (47 CFR § 1.1411.j.4)

OTMR Process: post make-ready timelines



The Applicant has **14** days to correct any and all conditions created as a result of their new construction (47 CFR § 1.1411.j.5)

The Pole Owner and/or existing attachers have **14** days from the completion of their inspection to communicate any deficiencies found in the OTMR post-inspection to the Applicant; alternatively, the Pole Owner or existing attachers can choose to complete any necessary remedial work and bill the new attacher for the costs associated with the correction work (47 CFR § 1.1411.j.5)



Pole Owner and existing attachers have **90** days to complete the OTMR post-inspection (47 CFR § 1.1411.j.5)

Proponents and Opponents



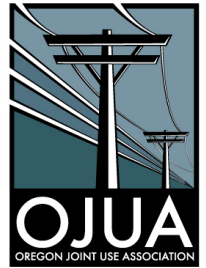
In favor - Google Fiber, Fiber To The Home Council, National Cable & Telecommunications Association.

Opposed – AT&T, Comcast, Charter, American Legislative Exchange Council, Communication Workers of America.

Who is missing from these lists? – Electric Utilities who are not opposed but recommended improvements for safety reasons:

- NESC engineering and clearance determinations are required before a contractor can conclude communications space make-ready work is "simple"
 - Any contractor used by the new attacher should include a Professional Engineer stamp with all survey results, certifying the make-ready work is in fact "simple."
- In addition, ten days' notice rather than three should be provided to allow utilities to participate in any OTMR surveys
- An additional 15 days should be added to OTMR application review periods, and
- 30 days' notice instead of 15 days' notice should be provided to allow utilities to monitor any OTMR make-ready work

How is OTMR Going?



OTMR Applications:

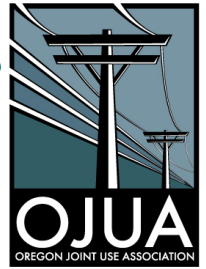
PacifiCorp – Wyoming - Zero

MidAmerican – Iowa, Nebraska and South Dakota - Zero

NV Energy – Nevada - Zero

Is OTMR DOA? - IDK

OTMR for Corrections: what's the opportunity?



- *Condition identification*
- *Recommended correction work*
- *Simple vs. Complex*
- *Common contractor*
- *Timeframes*