

PSC NO: 220 ELECTRICITY

NIAGARA MOHAWK POWER CORPORATION

INITIAL EFFECTIVE DATE: ~~OCTOBER 1, 2019~~ ~~August 1, 2019~~STAMPS: Issued in Compliance with Order in Case 16-M-0330 Issued ~~September 20, 2019~~ ~~March 14, 2019~~

LEAF: 36

REVISION: 4

SUPERSEDING REVISION: 2

GENERAL INFORMATION

1. DEFINITIONS AND ABBREVIATIONS (Continued)

- 1.80 "Cable System Operator" – an entity, certified by New York State, whose service is limited solely to providing cable television service.
- 1.81 "Electric Distribution Pole(s)" – Niagara Mohawk owned electric distribution wood poles, the record and financial accounting being booked to FERC account 364.
- 1.82 "Wireless Attachment" – attachments of Wireless Facilities installed in the communications space and other sections of the pole (i.e., "unusable or common" space, and Pole Top antennas) by a Wireless Carrier on an Electric Distribution Pole. The space occupied by Wireless Facilities shall be determined based upon the overall length of the equipment and mounting hardware plus six inches, rounded up to the next whole foot, and shall exclude space occupied by conduits, risers, and electrical meters associated with the Wireless Facilities. Wireless Attachments shall be billed on a per foot of space occupied basis. Except for Pole Top Antennas, Wireless Attachments are not permitted in or above the Electric Supply space.
- 1.83 "Pole Attachment" – (i) a single span wire (cable) or steel messenger supporting a telecommunication cable(s), owned by the same entity, utilizing one foot or less of usable communication space on an Electric Distribution Pole. Each span wire or messenger cable will be counted as a separate attachment. The sag of the wire will be included in determining the pole space utilized; and (ii) Telecommunication Accessory Equipment. Pole Attachments are not permitted in or above the Electric Supply Space.
- 1.84 "Telecommunication Service Provider" – a New York State certified provider of telecommunications services, excluding Incumbent Local Exchange Carriers (ILECs) and Cable System Operators.
- 1.85 "Telecommunication Accessory Equipment" – Telecommunication equipment mounted on the Electric Distribution Pole, installed in addition to traditional wire-line attachments which occupies space that could otherwise be utilized by Niagara Mohawk, a joint owner or another third party. The space occupied by attachments of Telecommunications Accessory Equipment shall be determined based upon the overall length of the equipment and mounting hardware plus six inches, rounded up to the next whole foot, and shall exclude space occupied by conduits, risers, and electrical meters associated with the Telecommunications Accessory Equipment. Attachment of Telecommunication Accessory Equipment shall be billed on a per foot of space occupied basis.
- 1.86 "Wireless Facilities" – shall mean any Pole Top Antenna, antenna, hardware, equipment, apparatus, wireless device or other hardware, and cables or wires connecting such Pole Top Antenna to such equipment, apparatus, device or other hardware placed on the same Electric Distribution Pole. Wireless Facilities do not include wires or cables used to connect to other wireless or wired communication facilities or equipment not on the same pole.

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SUPERSEDING REVISION:

GENERAL INFORMATION

1. DEFINITIONS AND ABBREVIATIONS (Continued)

- 1.87 “Wind Electric Generating Equipment” - Equipment that generates electric energy from wind with a rated capacity as stated in Rule No. 37.1 of this tariff that is manufactured, installed, and operated in accordance with applicable government and industry standards; connected to the electric system and operated in conjunction with an electric corporation’s transmission and distribution facilities; operated in conjunction with any standards and requirements established in Section 66-l of Public Service Law and Rule No. 53 of this Tariff.
- 1.88 “Excess Pole Height” - Additional pole height requirements attributable to a Wireless Carrier requesting a Wireless Attachment.

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SUPERSEDING REVISION:

GENERAL INFORMATION

1. DEFINITIONS AND ABBREVIATIONS (Continued)

- 2.12 “Wireless Carrier” - providers of wireless data or telecommunications services, excluding their suppliers and product manufacturers, and excluding ILECs and Cable System Operators.
- 2.13 “Private Attacher” – Any private or public entity or agency that is not a Telecommunication Service Provider, Wireless Carrier, ILEC, or Cable System Operator.
- 2.14 “Communications Space” – that portion of the usable space on an Electric Distribution Pole in which communication wires and devices have traditionally been located and that can be accessed by a qualified communications worker, qualified in accordance with OSHA 1910.268.
- 2.15 “Electric Supply Space” - that space on an Electric Distribution Pole where Niagara Mohawk has installed or may install energized electric conductors and related electric equipment. This space is the “supply space”, as defined in the National Electric Safety Code (NESC). All work performed within the Electric Supply Space shall be performed by electrical workers qualified in accordance with OSHA 1910.269.
- 2.16 “Pole Top Antenna” – consists of an antenna and mounting hardware attached to the top of an Electric Distribution Pole.

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GENERAL INFORMATION

35. CABLE SYSTEM OPERATOR, TELECOMMUNICATION SERVICE PROVIDER, AND WIRELESS CARRIER ATTACHMENTS TO ELECTRIC DISTRIBUTION POLES

35.1 WIRELINE POLE ATTACHMENT RATE

The annual attachment rate to be charged Cable System Operators, Telecommunication Service Providers, and Wireless Carriers for wireline Pole Attachments located within the Communication Space on Electric Distribution Poles shall be \$14.~~0486~~ per attachment on an equivalent pole. The rates are calculated in accordance with Opinion No. 97-10 issued by the Public Service Commission (Commission) under date of June 17, 1997 in Case No. 95-C-0341, and Order issued by the Public Service Commission (Commission) under date of June 23, 2006 in Case No. 06-E-0082, as may be amended from time to time. Attachments are subject to and must be licensed pursuant to the terms of Niagara Mohawk's standard electric distribution pole attachment agreement.

35.1.1 Attachments of Telecommunications Accessory Equipment shall be billed on a per foot of space occupied basis. The fee for such attachments shall be determined by multiplying the rate in Rule 35.1 times the overall length of the equipment and mounting hardware plus six inches, rounded up to the next whole foot. For purposes of calculating the fee for such attachments, space occupied by conduits, risers, and electrical meters associated with the Telecommunications Accessory Equipment shall be excluded.

35.1.2 Pole Attachment fees shall be invoiced semi-annually, and payment shall be due within thirty (30) days of invoice. Late fees of 1.5% per month will be applied to all unpaid balances.

35.2 WIRELESS ATTACHMENT RATES

35.2.1 APPLICABILITY

Wireless Attachment rates apply to attachments of Wireless Facilities by Wireless Carriers to Electric Distribution Poles. No such attachments shall be permitted unless licensed in advance pursuant to the terms of Niagara Mohawk's standard "Pole Attachment of Wireless Facilities to Electric Distribution Poles" agreement. Other wireline and accessory equipment Pole Attachments by Wireless Carriers shall be subject to the applicable terms of Niagara Mohawk's standard electric distribution pole attachment agreement and a separate Pole Attachment process and fee, pursuant to Rule 35.1.

35.2.1.1 The Wireless Attachment fee set forth Rule 35.2.2.1 (below) shall not apply to other Pole Attachments or attachments by a Private Attacher, and

35.2.1.2 Wireless Attachments subject to the fee set forth in Rule 35.2.2.1 must be licensed and conform with Niagara Mohawk Overhead Construction Standards. Electric Distribution Poles available for Wireless Attachments shall be free of any other major equipment and accessible by bucket truck throughout the year. Antennas and Pole Top Antennas shall not be installed on Electric Distribution Poles with air brake or load brake switches, line reclosers, sectionalizers, capacitors, voltage regulators, transformers, existing primary or secondary risers, major communications or fire alarm equipment, other antennas, three or four-way primary junction poles.

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GENERAL INFORMATION

35. CABLE SYSTEM OPERATOR, TELECOMMUNICATION SERVICE PROVIDER, AND WIRELESS CARRIER ATTACHMENTS TO ELECTRIC DISTRIBUTION POLES (Continued)

35.2.2 WIRELESS ATTACHMENT RATES – WITH AND WITHOUT EXCESS POLE HEIGHT

35.2.2.1 The Wireless Attachment fees charged to Wireless Carriers for attachment of Wireless Facilities to an Electric Distribution Pole are:

35.2.2.1.1 Wireless Attachment Rate A: Wireless Attachments shall be billed on a per foot of space occupied basis. The fee for such attachments shall be determined by multiplying the per foot rate of \$13.62/foot/year times the overall length of the equipment and mounting hardware plus six inches, rounded up to the next whole foot. For purposes of calculating the fee for such attachments, space occupied by conduits, risers, and electrical meters associated with the Wireless Attachment shall be excluded. This rate shall apply to any Wireless Attachments and Wireless Facilities not requiring Excess Pole Height to meet the requirements of the Wireless Carrier.

35.2.2.1.2 Wireless Attachment Rate B, applicable when Excess Pole Height is required: Wireless Attachments shall be billed on a per foot of space occupied basis. The fee for such attachments shall be determined by multiplying the per foot rate of \$13.62/foot/year times the overall length of the equipment and mounting hardware plus six inches, rounded up to the next whole foot, plus the number of feet of Excess Pole Height attributable to the requirements of the Wireless Carrier. For purposes of calculating the fee for such attachments, space occupied by conduits, risers, and electrical meters associated with the Wireless Attachment shall be excluded. Excess Pole Height shall not exceed use of a pole with an overall pole length exceeding 55 feet. Exceptions to limits on overall pole length may be authorized in writing by Niagara Mohawk, at its sole discretion.

35.2.2.1.3 Pursuant to the Commission's March 14, 2019 Order in Case 16-M-0330 (the "Wireless Order"), the methodology for calculating wireless attachment fees set forth in the Wireless Order supersedes existing orders related to Niagara Mohawk's wireless attachment rate policy as defined in Case 03-E-1578 and modified in Cases 11-E-0708 and 15-E-0444 for Distributed Antenna System (DAS) attachments. Any existing attachments subject to the DAS rates and former DAS Addendum, shall enter into a new standard "Pole Attachment of Wireless Facilities to Electric Distribution Poles" agreement, on or before August 1, 2019, and be subject to the new wireless attachment fee set forth in rule 35.2.2.1.

35.2.2.2 Wireless Attachment fees shall be invoiced annually and payment shall be due within thirty (30) days of invoice. Late fees of 1.5% per month will be applied to all unpaid balances.

35.3 Entities placing Wireless Attachments and/or Pole Attachments that require electric service shall separately make application for and comply with all applicable tariff requirements for electric service.