

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Application of Crown Castle NG West LLC  
(U-6745-C), pursuant to Decision 98-10-058  
for Arbitration of Dispute over Denial by  
Pacific Gas and Electric Company (U-39-E)  
of Access to Utility Support Structures.

**A.18-10-004**  
(Filed: October 10, 2018)

**PACIFIC GAS AND ELECTRIC COMPANY'S (U39E)  
COMMENTS ON DRAFT ARBITRATOR'S REPORT**

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Dated: January 7, 2019

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Pursuant to the December 10, 2018 Assigned Commissioner's Scoping Memo and Ruling, Pacific Gas and Electric Company (PG&E) timely submits its comments on the Draft Arbitrator's Report prepared by Administrative Law Judge (ALJ) Patricia Miles. PG&E appreciates ALJ Miles's thorough consideration of the various issues of this arbitration proceeding, and PG&E agrees with the findings of the Draft Arbitrator's Report that PG&E has not violated Decision 98-10-058 by declining to grant Crown Castle joint ownership of PG&E's solely-owned poles, and PG&E has satisfied its nondiscriminatory access obligations by offering Crown Castle the opportunity to lease pole space pursuant to PG&E's Overhead Facilities License Agreement.<sup>1/</sup> In these brief comments, PG&E seeks to clarify two points in the Draft Arbitrator's Report. PG&E respectfully requests that ALJ Miles adopt the Draft Arbitrator's Report as the Final Arbitrator's Report in this proceeding, subject to any minor revisions as noted by PG&E below.

**I. PG&E'S COMMENTS**

Footnote 4 of the Draft Arbitrator's Report states that PG&E filed Advice Letter 2982-E

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<sup>1/</sup> See Draft Arbitrator's Report, p. 1.

on February 13, 2017.<sup>2/</sup> PG&E clarifies that this footnote should instead reflect a date of February 13, 2007.<sup>3/</sup>

In addition, the Draft Arbitrator's Report states, "PG&E now contends that offering Crown Castle terms of sale which differ substantially from its terms with AT&T, would itself be discriminatory, presumably because it agrees that it is not clear whether telecommunications CLCs, such as Crown Castle are obligated to assume tenant management responsibility of the communications zone."<sup>4/</sup> PG&E notes that its Post-Hearing Brief addresses this topic: "[T]o avoid potential discriminatory treatment of cable companies by CLC pole owners, PG&E will not sell pole space to CLCs unless and until the Commission requires all CLCs to provide the same nondiscriminatory access required of electric utilities and ILECs."<sup>5/</sup>

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PG&E supports the Draft Arbitrator's Report and respectfully requests that ALJ Miles adopt that report as the Final Arbitrator's Report, subject to any minor edits described above.

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<sup>2/</sup> Draft Arbitrator's Report, p. 1.

<sup>3/</sup> See Advice Letter 2982-E, p. 1. See also PG&E's Response to the Application for Arbitration, p. 1, fn. 1 and PG&E's Post-Hearing Brief, p. 3, fn. 10.

<sup>4/</sup> Draft Arbitrator's Report, p. 7.

<sup>5/</sup> See PG&E's Post-Hearing Brief, p. 14 (emphasis added), citing to Exhibit PG&E-01, p. 8, lines 17-20 and the oral testimony of PG&E witness Tinamarie De Teresa in the evidentiary hearing (EH) transcript, p. 48, lines 17-28. (Exhibit PG&E-01 consists of the Prepared Rebuttal Testimony of Ms. De Teresa, as noted in the EH transcript, p. 124, lines 4-12).

Respectfully Submitted,

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By: \_\_\_\_\_ /s/ *RX Uy*  
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