



**NARUC 2004 Summer Meeting**  
***Broadband over Power Lines:***  
***A PLCA Industry Viewpoint***  
**Salt Lake City, Utah, July 13, 2004**

**Richard Keck**  
**Troutman Sanders LLP**  
**Atlanta, Georgia**

**[richard.keck@troutmansanders.com](mailto:richard.keck@troutmansanders.com)**

**(404) 885 3236**





## How do we ascertain the role for PSCs in facilitating the birth of the BPL industry?

- Consider who makes up the nascent BPL industry
- Consider who the PSCs regulate
- Consider what's unique about BPL for PSCs
- Consider what PSCs can do to facilitate the industry in view of their unique role



# Who makes up the nascent BPL industry?

- Electric companies (IOUs, MUNIs, COOPs, public power)
- BPL equipment vendors
- BPL network operators
- Value-added service providers (ISPs, VOIP service providers, WiFi service providers, etc.)
- Other vendors of products and services
- Financial institutions



# Which BPL participants do PSCs regulate?

- Electric service providers (all IOUs, some MUNIs, COOPs and public power suppliers)
- Communications service providers (BPL network operators and value-added service providers to the extent they provide telecom services)



# What's unique about BPL for PSCs?

- The interplay between electric service providers and BPL network operators
- In particular, the use of the facilities of the regulated electric distribution monopoly by the BPL network operator to provide competitive communications services



# Why does BPL support PSC goals?

- It can improve safety, reliability, efficiency and customer choice for electric service
- It can increase competition in broadband and value-added communications services



# What can PSCs do to help BPL?

- Champion, promote and encourage BPL
- Ensure a level playing field with other broadband services
- Establish regulatory certainty



## What are the unique issues relating to BPL that PSCs can address?

- Affiliate transaction rules for IOUs (all PSCs)
- Rules regulating the transfer or encumbrance of regulated electric utility assets (some PSCs)
- Pole attachment rules (some PSCs)
- Street franchise rules (some, but few, PSCs)



# How should PSCs treat affiliate Xs?

- DO: require BPL affiliates to pay their share of fully loaded incremental costs of BPL deployment
- DON'T: require BPL affiliates to bear any sunk costs in the existing electric network
- Level playing field: DSL and cable modem only pay incremental costs on POTS and CATV networks
- Precedent: ILECS deploying ISDN pre-1996



# How should PSCs treat BPL access under transfer or encumbrance of assets rules?

- DO: permit and approve BPL access rights
- DON'T: treat BPL access rights as a transfer or encumbrance of a regulated asset
- Level playing field: POTS and CATV networks don't face similar regulatory hurdles
- Precedent: pole attachments and other joint use arrangements involving regulated IOU assets



## How should PSCs with pole attachment jurisdiction address BPL attachments?

- DO: require BPL affiliates providing telecom services to pay telecom pole attachment fees for installations outside the electric space
- DON'T: require BPL affiliates to pay pole attachment fees for installations inside the electric space



## How should PSCs with franchise jurisdiction address BPL attachments?

- DO: require permits and indemnification of local governments for BPL attachments
- DON'T: require additional percentage-based franchise fees for BPL revenues unless DSL and cable modem are paying similar franchise fees



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