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John B. Howard, Chair

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## **PSC Approves \$10 Million in Settlements with Two Utilities to Resolve Disputes and Help Expand Broadband Coverage**

### ***Utility Money Will Go Toward Increasing Broadband Coverage in New York State***

**ALBANY** — The New York State Public Service Commission (Commission) today adopted two joint settlement agreements valued at \$10 million that resolve penalty amounts for alleged violations against Rochester Gas & Electric Corp. (RG&E) and Frontier Telephone of Rochester, Inc. (Frontier) regarding their alleged failures to comply with the terms and conditions of the Commission's utility pole attachment rules. The settlements come after a department investigation found that Frontier and RG&E allowed non-conforming pole attachments to remain in place on their respective utility poles without remediation, which is in violation of state safety standards.

“The agreements reflect compromises made by the opposing parties with strong incentives to craft resolutions addressing their interests,” **said Commission Chair John B. Howard.** “The terms of agreements are consistent with the environmental, social, and economic policies of the Commission and the State and are within the range of reasonable outcomes that could be expected after a fully litigated proceeding.”

In its decision, the Commission accepted a negotiated settlement of \$5 million against RG&E to resolve the dispute, with \$2.5 million suspended pending compliance with remediation metrics, and it accepted a negotiated settlement of \$5 million with Frontier. The \$7.5 million in immediate funds will go into an escrow account to be used by the New York State Broadband Program Office (BPO) to expand wireline broadband throughout the State. Staff will work with the BPO to disperse the funds.

In addition to helping provide broadband service to unserved or underserved areas in New York State, the \$10 million in settlements also include remediation metrics that require RG&E and Frontier to fully remediate all identified safety issues on their poles and conduct a full audit of their service territory and fix any safety violations found as a result.

The Commission's pole attachment regulations are designed to ensure safe operations of millions of utility poles in New York State. All underground and overhead communication lines are subject to the Commission's 2004 pole attachment order to ensure safe construction and operation of networks.

Frontier will have right of first refusal for locations served by Frontier or its New York affiliates in future BPO solicitations funded by the Frontier settlement. The two agreements will immediately deposit \$7.5 million into a fund to be administered by the BPO to expand wireline broadband in the state to

those who need it most. These agreements will also ensure that all known safety violations will be remediated immediately, and that all poles in the service territories will be inspected and made safe by December 2022.

Today's decision may be obtained by going to the Commission Documents section of the Commission's Web site at [www.dps.ny.gov](http://www.dps.ny.gov) and entering Case Number 20-M-0360 in the input box labeled "Search for Case/Matter Number". Many libraries offer free Internet access. Commission documents may also be obtained from the Commission's Files Office, 14th floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500). If you have difficulty understanding English, please call us at 1-800-342-3377 for free language assistance services regarding this press release.