

# **COMPLEX MAKE READY (NON-OTMR) JOINT USE POLE ATTACHMENT PROCESS**

## **For Wireline/Wireless Attachments in and above the Communication Space (Per FCC 18-111)**

**Complex Make Ready** – Is defined as make ready where the work would reasonably cause a service outage(s) or facility damage, including work such as splicing or cutting of any communication attachment or relocation of existing wireless attachments, and all wireless including strand mounted antennas, and new pole installs or pole change outs. This also includes work above the communication space as well as in the electric space.

For complex work, PNM is in control of notifications to new and existing attachers, performance of FS&I work, make ready work, final inspections, as well as detailed billing.

The new attacher can choose this NON-OTMR process even if their attachments are qualified as “simple” make ready, so that the existing attachers move their own equipment, and PNM is in charge of notices to existing attachers.

**PNM :** Performs FS&I and “complex” make ready work for Licensees’ submitted application, as well as notices to new attacher and existing attachers. If Licensee previously applied and completed the FS&I work for a particular pole (s), then discovered it fell under the “complex” make ready timeline, PNM can use that FS&I information for the complex make ready work, so as not to duplicate the survey and delay the process. PNM must notify existing attachers of its intent to use the new attacher’s survey and provide a copy in the notice, which now cuts the survey period from 45 days to 15 days to speed deployment.

- 1) **Notice/FS&I:** PNM must notify new Attacher and existing attachers with at least 3 business days advance notice of the date, time and location of the FS&I to give them an opportunity to participate.
- 2) **Complete Application/FS&I work:** PNM determines if the application is complete within 10 business days of receiving the application. If PNM does not respond within 10 business days, application is deemed complete.
  - a) If application is incomplete, PNM within the 10 day time-frame must notify the attacher in writing, why application is incomplete.
  - b) Attacher has 5 business days to re-submit the application to PNM for completeness. If still incomplete, this 5 day cycle continues until application is complete.
  - c) If application is complete, PNM can start the field survey & inspection (FS&I) work within 45 days after receiving a complete application. If new attacher’s initial FS&I was done for OTMR that turned out to be complex, PNM can use that survey instead and shorten the time from 45 days to 15 days to approve the application.
- 3) **Estimate:** PNM to give new attacher a detailed estimate of make ready charges within 14 days after receiving the FS&I survey results.
- 4) **Acceptance:** New attacher has 14 days or until withdrawal of the estimate by PNM, whichever is later, to accept or deny the estimate.

- 5) **Make Ready:** Make ready deadlines for both simple and complex are reduced from 60 to 30 days to complete. For wireless or attachments above the communication space, timeline is 90 days (and 135 days for larger requests). An existing attacher can deviate from the 30 day timeline for reasons of safety or service interruption which may make it difficult to meet the timeline, but existing attacher must immediately notify in writing to the new attacher and existing attachers and identify which pole with a new completion date, which cannot exceed 60 days from the date of PNM's make ready notice to existing attachers. If make ready is still not complete by the 60 day period, the existing attacher sends notice to the new attacher, then the new attacher can complete the make ready using a PNM approved contractor which is the "Self Help Remedy" per the FCC. The new attacher is responsible for encouraging and coordinating with existing attachers to ensure completion of make-ready work on a timely basis.
- 6) **Detailed Make Ready Cost:** FCC requires estimates of all make ready work to be detailed and include documentation that is sufficient to determine the basis for all charges, as well as similarly detailed post make-ready invoices.
  - a) PNM must compile and submit detailed estimates for all make-ready work to be completed, regardless of what party completes the work. The FCC recognizes that in some cases the utilities may not be able to prepare on its own an estimate for existing attachers "make-ready work" so they clarify that the utilities may comply with this requirement by compiling estimates from third parties for submission to the new attacher. The FCC does not require the utilities to compile and submit final invoices of make ready work performed by third- party existing attachers.
  - b) PNM is required to detail all make ready costs estimates and final invoices on a per pole basis when requested by the new attacher. For certain fixed costs, such as barricades, the utility can estimate on a per job basis. Even where a pole-by-pole estimate or invoice is requested.
  - c) As part of the detailed estimate, the utility must disclose to the new attacher its projected material, labor and other related costs that form the basis of its estimate, including costs, if any; the utility is passing through to the new attacher from the utility's use of a third-party contractor. The utility must also provide documentation that is sufficient to determine the basis of all charges in the final invoice, including material, labor and other related costs.
  - d) If the utility completes make-ready and the final cost of the work does not differ from the estimate, it is not required to provide a new attacher with a final invoice.
- 7) **Self Help Remedy:** If make ready work is not complete within the FCC timeframes, the new attacher can exercise the "Self Help Remedy". This is for all make ready work in and above the communication space of a pole, including the installation of wireless small cells. Pole replacements do not qualify for self-help.
  - a) Attacher must give a five (5) day advance notice to PNM and existing attachers that they will exercise the "self-help remedy" to complete make ready work that was not complete by the timeline, and a reasonable opportunity for them to be present during the make ready work. The notice must include the date and time of work, the nature of work and the name of the contractor being used by the new attacher.
  - b) New attacher must use a qualified pre-approved PNM contractor to complete the work.
  - c) The new attacher is required to immediately notify either PNM or existing attachers if their equipment gets damaged or causes an outage during completion of the 'self-help" work.
  - d) Wireless and above the communication space has a timeline of 90 days for make ready to be completed, and 60 days for wireline in the communication space.