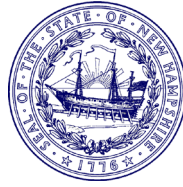


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Summary of Comments on Initial Proposal with Responses

March 29, 2024

In accordance with the Appendix II-C Rulemaking Notice, the Department held a public comment hearing on February 13, 2024, and allowed written comments through February 27, 2024.

Substantive public comments made either at the hearing, in writing, or both were as follows:

A request to expand the exemption of “limited maintenance” to encompass all maintenance, which was not adopted.

A request to reinterpret the statutory reference to land owned by the state to exclude all interests short of rights that are similar to fee ownership, which was not adopted.

A request to clarify that the allowance for after-the-fact applications in the event of emergency construction shall extend to non-utilities that likewise have a lawful duty to act, which was adopted.

A request for a mechanism to limit the time for a decision on an application beyond the 90-day statutory period notwithstanding requests for additional information, which was adopted.

A request that the less comprehensive application requirements applicable in the context of overlash of fiber optic cables to an attaching entity’s own existing communications wires be extended to all other communications lines, which was not adopted.

After fully considering these comments in deliberations by staff, the Department adopted certain of the proposed changes as noted.