

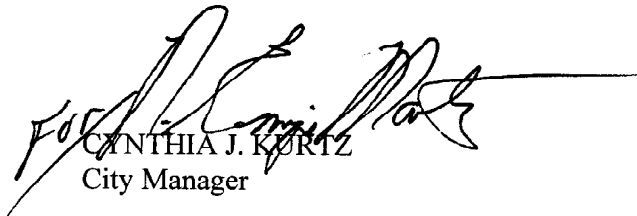


OFFICE OF THE CITY MANAGER

December 2, 2002

TO: City Council
FROM: City Manager
RE: Overview of Altrio Open Video Access Installation

Attached please find a list of frequently asked questions and staff responses regarding Altrio installations in Pasadena.


CYNTHIA J. KURTZ
City Manager

CJK:hw

Attachment

12/02/2002
Item 1.

1. Does Altrio have the right to install its system in Pasadena, including cabinets, overhead lines and underground infrastructure?

The franchise agreement between the City and Altrio gives the company the right to install cabinets and maintain its system within the public streets and rights-of-way. The franchise recognizes that this installation will take place through excavations (undergrounding) and pole attachments (use of utility poles to hang new cables).

Further, Altrio is a member of the Southern California Joint Pole Committee. As a member, Altrio has become a joint or part owner of the poles to which its cables are attached. This “ownership” of the poles also gives Altrio the right to use them for installation of its network.

The City is also a member of the Joint Pole Committee. Like Altrio, the City is a part owner of local utility poles. We cannot dictate what other Joint Pole Committee members do with their portion of the poles.

2. Why did the City choose to have another cable provider?

For many years, the City has received a steady stream of requests from Pasadena residents for a choice of cable TV providers. Many residents were dissatisfied with the rates and service of the incumbent cable TV company. Like its residents, the City believed that competition would bring consumers benefits in lower rates (or rates that increased more slowly) and improved customer service.

Nonetheless, it is important to note that Altrio’s application to the City was unsolicited. Altrio identified Pasadena as part of its regional business plan, and applied for an Open Video System franchise under the provisions of Title 18 of the Municipal Code.

3. The Municipal Code includes regulations for both cable operators and telephone corporations. Since Altrio is offering both services, do both sets of regulations apply to the company?

Only the open video system provisions of the Code apply to Altrio. The telephone corporation requirements were designed to apply to stand-alone telephone companies. Typically, there are comparable provisions between the telephone corporation requirements and those in the open video system portion of the Code, or in the open video system franchise agreement itself.

4. Is Altrio installing separate cables for each of its services?

No. Altrio is installing a single network capable of providing video, telephone, and Internet access services over the same line. Similarly, Altrio will service homes that choose to purchase multiple services over a single line between their system and the residence. This may eliminate multiple service drops to residences. A concern was raised that multiple lines are being installed and staff is in the process of reviewing this.

5. Are the City's trees (branches or roots) being damaged as a result of Altrio's installations?

If and when any pruning is necessary, it has and will continue to be completed by City crews at Altrio's expense. The City Arborist has examined trees at each location for which the City received a tree trimming complaint. Although Altrio has indicated that during the installation process, its equipment may have knocked small, dry branches from trees when the cable passes through the tree canopy, the City Arborist found no signs of tree trimming, and no significant damage to the trees' branches or underground root system that would cause any future concerns.

To address concerns about damage to tree roots, City staff is examining each location where new utility boxes will be sited for possible tree impacts. The City Arborist also attends pre-construction meetings at the site of new utility boxes.

6. How safe are the utility boxes and gas meters that Altrio is installing?

The utility boxes are certified by Underwriters Laboratories, Inc., and the National Fire Protection Association to meet all safety standards and codes for cabinets installed in the public right-of-way. The boxes supply backup power for Altrio's wires and support all the services provided including cable, internet access, and telephones. The boxes incorporate many safety features, including: use of gel inside the batteries instead of liquid acid; safety monitoring systems that shut the fuel off to the unit when the systems are triggered; and crush zones within the box to limit damage to key components in the event of a car crashing into it. The manufacturer of the unit, Alpha Technologies, indicates that only five of these boxes have been hit and damaged significantly over the past five years nationwide. None of the crashes resulted in an explosion of the utility box.

The installations include a gas shutoff feature that works with a flow meter. The underground gas supply line contains a ball that travels up the line and blocks the gas flow if the connection between the underground line and the meter is broken.

Altrio Frequently Asked Questions

City inspectors monitor Altrio's construction work as the boxes are being installed to make sure they are installed according to approved plans. Additionally, at some locations, the City is requiring Altrio to install concrete bollards to protect the gas meter located next to the power supply pedestal.

7. Why are Altrio's cables hung so low?

State General Order 95 (GO 95) governs all the aspects of how Altrio installs cables on utility poles. These regulations dictate that communications cables are placed lowest on the pole (power lines are always at the top of the pole). These regulations specify that Altrio's lines must be at least six feet below any power lines. This six-foot requirement helps ensure that those doing work on the communications lines on the pole do not come in contact with energized cables. While Altrio's lines may appear to be strung very low, they have been installed in conformance with these State regulations.

GO 95 also includes a requirement that communications cables be a minimum of 18 feet above the street. Altrio's lines meet this requirement as well.

8. Why did Altrio hang their cables along the street in some neighborhoods where there are utility poles along the rear property line?

In most Pasadena neighborhoods, utility poles run along the back property line. In some areas, however, the poles are located along the street, or there are poles along both the street and the rear property line. Where possible, Altrio has installed its cable on rear property line poles. This was not possible in some neighborhoods where the backyard poles are short and are already at capacity with other companies' cables.

9. How are the locations for the cabinets determined?

Based on the design of Altrio's system, there will be approximately 130 power supply pedestals (cabinets) throughout the City. As of October 2002, Altrio has installed 30 cabinets in the northern section of the City. The Department of Public Works staff has been meeting with Altrio on a weekly basis regarding locations for future cabinets and trying to minimize the number of cabinets that are placed in residential areas.

If a request is received by the abutting property owner, or residents within view of the cabinet, or Public Works; Altrio will add landscaping consisting of painting all equipment (gas meters, attached enclosures) dark green to match the cabinet, providing plants and vegetation, and/or installing a fence.

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10. Why doesn't the City require Altrio to underground all their new wires?

While undergrounding of all utility wiring throughout the City would definitely be preferred, this is a long and costly process. It would be too expensive for a new cable provider to install a new system throughout our City if every wire had to be undergrounded. Altrio is required to underground their new wires in all areas where the City has established underground utility districts. As the City continues their undergrounding program, Altrio will be required to underground their overhead wires within the newly formed districts. However, it will be many years before all overhead power lines can be undergrounded in residential areas.

11. Can the City issue a moratorium and stop all work performed by Altrio?

Under the terms of the City's franchise with Altrio, the City can only issue a stop work order if Altrio is in breach of the franchise agreement. Altrio's franchise compliance is continuously being reviewed by staff and outside counsel. The company to date has been found to be in compliance with all provisions of the franchise agreement.

It should be noted that the City has received a lawsuit challenging Altrio's installation on CEQA and other grounds. The courts may impose a moratorium as a possible outcome of this litigation.

12. Is Altrio being held to the same permit review process as other utilities?

Yes. Altrio is held to the same requirements as other utilities doing work in the public right-of-way. As with any large project, staff makes adjustments during the project based on issues discovered in the field. Changes to Altrio's construction notification process and to review of sites for utility boxes are examples of this type of adjustment.

13. Is an environmental impact report needed for this project?

Regarding an environmental impact report, the facilities Altrio is installing fall under several exemptions in the California Environmental Quality Act (CEQA). At the time Altrio's franchise was granted, it was determined that an environmental impact study was not required. Nonetheless, the City is aware that Altrio's construction has raised aesthetic issues. Aesthetics is explicitly factored into City staff decision granting Altrio approval for installations. The

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franchise makes aesthetic appearance a factor in issuing individual permits for each utility box and gives the City the right to require landscaping, camouflage and similar aesthetic conditions.

14. In an underground utility district, will the cabinets be required to be installed below ground?

No. Underground utility districts specifically eliminate overhead lines. Underground districts do not affect or require the undergrounding of utility cabinets, some of which may not be placed underground for technical reasons.

15. Who do I call if I have a concern about Altrio?

Residents with concerns about Altrio should contact the company first to explore common solutions. Altrio is eager to work with residents to address their concerns. They can be reached at 1-866-801-1122.

However, if a resident is not satisfied with the response they receive from the company, they can call the City. Construction- or permit-related questions should be directed to Public Works at 744-4720. This number appears on Altrio's construction-related doorhangers and letters to residents. The Information Technology Services Division (744-4220) will address questions regarding franchise requirements. The Pasadena Community Access Corporation (PCAC) is charged with managing service-related complaints. They can be reached at 794-8585.

If, however, the public is not satisfied with staff's solutions, then they can take their concerns to the Economic, Development and Technology Committee.