

# Louisiana Public Service Commission



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Executive Counsel

June 19, 2020

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Deputy Undersecretary

## VIA EMAIL

***RFP 20-10 DOCKET NO. R-35568-Louisiana Public Service Commission, ex parte, In re: Analysis of viability and potential development of rate schedules for inclusion of 5G cellular telephone/broadband equipment onto existing infrastructure of all electric distribution poles.***

To all LPSC qualified consultants:

Enclosed please find a Request for Proposals ("RFP") for **outside consultants** issued by the Louisiana Public Service Commission for the above referenced docket. If your firm is interested in submitting a proposal, please review the RFP carefully to determine whether your firm meets the specific requirements to qualify for this representation. *Please note revisions to Section V-Estimate of Costs, which are underlined.*

All Proposals must include a showing that your firm possesses the requisite qualifications and experience to represent the Commission in this matter. Also, please note that all Proposals, including the **original, plus (3) three copies, and an electronic copy must be received on or before Thursday, July 9, 2020 at 4:30 p.m.** Selection of consultants is anticipated to take place at the July Business and Executive Session, which is currently scheduled for July 15, 2020.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Bowman".

Kathryn H. Bowman  
Executive Counsel

Enclosure

**RFP 20-10**  
**LOUISIANA PUBLIC SERVICE COMMISSION**  
**REQUEST FOR PROPOSALS (“RFP”)**  
**June 19, 2020**

***DOCKET NO. R-35568 –Louisiana Public Service Commission, ex parte, In re: Analysis of viability and potential development of rate schedules for inclusion of 5G cellular telephone/broadband equipment onto existing infrastructure of all electric distribution poles.***

The Louisiana Public Service Commission (“Commission” or “LPSC”), in accordance with the requirements of the LPSC General Order dated November 10, 2014 regarding the selection of contract employees (the “Contract Order”), issues this Request for Proposals (“RFP”) to **outside consultants** who will assist Commission Staff in an analysis of viability of 5G cellular telephone/broadband equipment onto existing infrastructure of all electric distribution poles, suggested rate schedules for the same, and the applicability of the Commission’s Pole Attachments General Order (“Pole Attachment Order”).<sup>1</sup> **Qualifying proposals are anticipated to be placed on the Commission’s July Business and Executive Session (“B&E”) agenda for Commission consideration.**

**I. Overview**

At the February 19, 2020 Business and Executive Session, Commissioner Skrmetta directed Staff to seek proposals to assist the Commission in preparing an analysis of viability, including the applicability of the Commission’s Pole Attachment Order, for inclusion of 5G cellular telephone/broadband equipment onto existing infrastructure of all electric distribution poles, and develop rate levels associated with this inclusion. There was no opposition to Commissioner Skrmetta’s directive. In response to Commissioner Skrmetta’s unopposed directive, Staff issues RFP 20-10 seeking an outside consultant to assist the Commission.

**II. Scope of Representation**

Applicants will be assisting Commission Staff in reviewing and analyzing 5G cellular telephone/broadband equipment and the potential of including said equipment on existing infrastructure of all electric distribution poles. Applicants will further assist Commission Staff in the potential developing of recommended rate schedules and/or rental rates for attaching 5G cellular telephone/broadband equipment onto existing infrastructure of electric distribution poles. In doing so, Applicants shall review the Commission’s current Pole Attachment Order; draft data requests and review responses thereto; review electric utilities’ pole attachment rental rates and/or pole attachment contracts; potentially participate in technical conferences and informal meetings with Staff and electric utilities and Staff and 5G cellular providers; prepare for filing a recommendation(s) to the Commission, including any exhibits supporting the same and potentially

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<sup>1</sup> General Order dated September 4, 2014, Docket No. R-26968, Louisiana Public Service Commission, ex parte, In re: *Review of the General Order dated March 12, 1999 (Pole Attachments)*.

proposed rules, or amendment to current rules, for the Commission's consideration; and assist in the drafting of applicable motions, briefing sheets and orders of the Commission. Additionally, the Applicant shall be available to participate in meetings and conference calls, conferences with the Commission and its Staff, as well as attending any Business and Executive Sessions that the Staff deems necessary. The scope of work provided herein shall continue through the conclusion of the docket through a Commission vote.

### **III. Period of Representation**

The time period estimated to complete the Scope of Representation is approximately 8 -12 months. This is merely an estimate and the Commission makes no representations as to the accuracy of the Period of Representation.

### **IV. Minimum Requirements**

To qualify, all Applicants must have requisite knowledge of the topics listed below, in addition to those provided in Commission General Order dated November 10, 2014:

- 1) The Commission's General Order dated September 4, 2014 (Pole Attachment Order); and
- 2) Applicable FCC regulations, including but not limited to, the recently approved Rural Digital Opportunity Fund to provide fiber and 5G cellular broadband to unserved and underserved rural communities in the United States.

Applicants shall also, at a minimum, have a working knowledge of the Commission's rulemaking and jurisdictional issues; applicable Commission regulations; full understanding and ability to analyze 5G cellular telephone/broadband equipment and potential rate schedules and/or rental fees to allow such equipment onto existing infrastructure of electric distribution poles; and the Commission's telecommunications related orders. Applicants shall also be experienced in the presentation of direct testimony or report and recommendations, assistance in developing cross examination of adverse witnesses, and the analysis of comments and exceptions to proposed recommendations. Consideration is given to indicia of competence such as previous experience in complex cases, publications, educational achievement, and other previous employment suggesting competence in regulatory matters involving the above areas; significant personal experiences before regulatory agencies such as the SEC, FERC, FCC, or other similar entities may be a favorable factor. Firm size may be considered in matters likely to be prolonged, complex, or involving multiple forums.

All proposals shall include an outline of a plan of action for conducting the analysis and development of rate schedules and/or rental rates, as well as conducting a rulemaking, including potential technical conferences. However, the Commission and its Staff shall have the right to determine how the tasks will be carried out. In addition, all proposals shall be accompanied by a professional firm resume indicating the qualifications and experience necessary to meet the requirements of this RFP. Deviations from the requirements contained herein, or conditional bid amounts may result in rejection of the bid as non-conforming.

## **V. Estimate of Costs**

All proposals shall include fees and direct costs associated with Applicants services in all anticipated dockets described above. Applicants responding to this RFP shall quote their rates on an hourly basis, and shall submit a total budget, separating professional fees from direct costs. Along with providing the above, Applicants should provide an overview of the estimated costs in the summary of the bid proposal.

Applicants shall only be allowed to charge for actual hours of work performed and costs incurred. Once selected, an Applicant's hourly rates and budget shall not be altered except by formal approval of the Commission.

## **VI. Conflict of Interest**

Applicants shall prominently and separately disclose current, as well as past employment, which could possibly result in a conflict of interest. In addition, Applicants shall disclose matters in which they currently represent clients before the Commission.

## **VII. Billing Guidelines**

As required by the November 10, 2014 General Order, all bills will be rendered monthly and shall specifically identify and describe all work performed, the person performing such work, the time and charge for such work, and shall additionally show the total amount billed to date and the authorized original estimate. Bills will be rendered in strict accordance with the Commission's guidelines. Expenses shall also be separately disclosed with proof of such expenses attached.

Expenses, where applicable, shall be reimbursed at state authorized rates as specified in the Travel Policies and Procedures Memorandum issued by the State of Louisiana, Division of Administration in effect at the time such expenses are incurred ("Allowable Expenses"). Any expenses that exceed the Allowable Expenses shall be borne by the contract employee and shall not be reimbursed by either the Commission, or the correspondent utility, unless otherwise specified by the Commission.

## **VIII. Reservation of Rights**

The LPSC reserves the right to reject any and all proposals, to amend and/or supplement this RFP at any time, and to consider proposals or modifications thereof received at any time prior to LPSC vote at Open Session, if such action is found by the LPSC to be in the public interest. Pursuant to the General Order regarding the selection of contract employees, the LPSC has the right to accept any offer and does not have to accept the lowest bid amount. In addition, there is also no assurance, express or implied, that an award will necessarily be made pursuant to this RFP.

**IX. Submission of Proposals**

Interested parties should submit the **original (hard copy), 3 copies, and e-mail an electronic copy** of the proposal to:

Kathryn H. Bowman  
Executive Counsel  
Louisiana Public Service Commission  
602 North Fifth Street (Galvez Building) (70802)  
P.O. Box 91154  
Baton Rouge, Louisiana 70821-9154  
Phone: (225) 342-9888  
Fax: (225) 342-5610  
Email: [kathryn.bowman@la.gov](mailto:kathryn.bowman@la.gov)

To be considered, an original, three copies, and the electronic copy of the proposal must be received on or before **Thursday, July 9, 2020 at 4:30 p.m.** **Selection of consultants is anticipated to take place at the Commission's Business and Executive Session currently scheduled for July 15, 2020.** Information concerning billing procedures and the Commission's RFP policy may be obtained from the address listed above, or by calling (225) 342-9888.