

UTC 2018 Resolution: Right to Repair

WHEREAS, utilities own, maintain and operate extensive communications systems (“private networks”) that they use to support the safe, reliable and secure delivery of essential electric, gas and water services and to provide wholesale capacity to other third-party communications service providers and retail services to consumers; and,

WHEREAS, utilities must maintain these communications systems to meet and exceed high standards for reliability and security, due to the criticality of the underlying energy and water services they provide and to comply with national regulations related to security; and,

WHEREAS, section 101.211, Section 101.217 and Section 90.215 of the Federal Communications Commission’s (FCC) rules require that wireless communications licensees test and certify that their communications systems are operating in compliance with the FCC’s technical rules and specify when transmitter measurements, observations, servicing and maintenance are required; and,

WHEREAS, utilities perform these tests by conducting measurements and adjusting equipment in the field so that the measurements and any necessary adjustments made to the equipment are done so accurately; and,

WHEREAS, restrictions by some equipment manufacturers and suppliers may prevent utilities from doing testing and/or adjusting their own equipment (purchased from such manufacturers/suppliers) or using third parties to test and adjust their equipment; and,

WHEREAS, this situation instead necessitates that utilities must exclusively rely on the manufacturer, supplier or their designated representative to undertake the testing and adjustment of equipment purchased by utilities; and,

WHEREAS, measurements are required in the field after installation and at other times. Additionally, transmitter adjustments are necessary when measurements indicate a parameter is out of its required tolerance. Unfortunately, utilities are being prevented from making adjustments in the field because either the manufacturer or their representative must come on-site, or the utility must send the radio to the manufacturer, which increases downtime, increases the number of spares that are kept on hand, increases the number of trips to the site, and takes technicians away from other emergencies; and,

WHEREAS, these restrictions have the practical effect of increasing costs, imposing unnecessary delays, and interfering with utilities’ maintenance of their communications systems, as well as hindering utilities’ ability to comply with the FCC’s rules, which is an untenable situation; and,

WHEREAS, legislation has been introduced in several states that would create a right for consumers such as utilities to repair equipment they have purchased themselves or use their own third-party provider, rather than having to use the manufacturer, supplier or their authorized representative;

NOW THEREFORE, LET IT BE RESOLVED, that the Utilities Technology Council (UTC), gathered at its Annual Tele-com & Technology Meeting in Palm Springs, California, urges state and federal policymakers to establish policies that free utilities to maintain, repair and upgrade equipment themselves or to use a third party of their choosing to maintain, repair and upgrade their equipment in order to improve reliability and ensure compliance with federal regulations.