S T A T E  O F  M I C H I G A N

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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| In the matter of the complaint of **ASPIRE NETWORKS 1, LLC**, **d/b/a HIGHLINE INTERNET**, against **WISCONSIN ELECTRIC POWER COMPANY** and **UPPER MICHIGAN ENERGY RESOURCES CORPORATION.** | ) | Case No. U-22114 |

At the October 15, 2026 meeting of the Michigan Public Service Commission in Houghton, Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Katherine L. Peretick, Commissioner
Hon. Shaquila Myers, Commissioner

**ORDER**

History of Proceedings

On April 30, 2026, Aspire Networks 1, LLC, d/b/a Highline Internet (Highline) filed a formal complaint (Complaint) pursuant to Mich Admin Code, R 792.10439 and R 792.10441 against Wisconsin Electric Power Company (WEPCo) and Upper Michigan Energy Resources Corporation (UMERC), (collectively, Respondents) alleging violations of MCL 460.6g related to Highline's request to attach its telecommunication facilities to Respondents' poles in order to install highspeed internet service in Respondents' service territory in Michigan's Upper Peninsula (UP). On May 7, 2026, Highline's Complaint was determined to state a prima facia case within the Commission's jurisdiction. On June 15, 2026, Respondents filed a joint answer to the Complaint.

On June 15, 2026, Highline filed a written request for the Commission to read the record and dispense with a proposal for decision (PFD) in the proceeding, and on June 18, 2026, UMERC filed a response. On June 22, 2026, a prehearing conference was held before Administrative Law Judge Jacqueline Langwith (ALJ), at which the ALJ set the schedule for a second prehearing and acknowledged that the request from Highline for the Commission to read the record was still pending. Highline, Respondents, and the Commission Staff (Staff) participated in the proceeding. On June 25, 2026, the Commission denied Highline's request to read the record.

On June 29, 2026, a second prehearing conference was held, at which the ALJ noted the Commission's denial of Highline's request to read the record and set the case schedule dates in a scheduling memo dated the same day. On July 6, 2026, Highline filed its direct testimony and exhibits, along with a draft licensing agreement that was filed under seal. On July 7, 2026, the ALJ issued a protective order to be used in the case. On July 20, 2026, the Respondents filed direct testimony and exhibits, while the Staff filed a letter stating it would not be filing direct testimony. On July 29, 2026, Highline filed rebuttal testimony and exhibits, and the Staff filed rebuttal testimony.

On July 31, 2026, Highline filed a motion to strike portions of the testimony of Respondents' witness, Daniel Sande. On August 3, 2026, the Respondents filed a response to the motion agreeing to strike a portion of Mr. Sande's testimony. On August 5, 2026, the ALJ held an evidentiary hearing, at which she denied Highline's motion to strike the remaining portions of Mr. Sande's testimony, witnesses were cross-examined, and testimony and exhibits were bound into the record. On August 17, 2026, Highline, Respondents, and the Staff filed their initial briefs, and on August 24, 2026, the same parties filed reply briefs. On September 8, 2026, the ALJ issued

a PFD. On September 15, 2026, Highline and Respondents filed exceptions. On September 22, 2026, Highline, Respondents, and the Staff filed replies to exceptions.

The record in this case contains 204 pages of testimony and 25 exhibits.

Proposal for Decision

On pages 2 through 4 of the PFD, the ALJ provided an overview of the record, which will not be repeated here. The ALJ noted that the parties did not dispute the Commission's regulatory authority over the proceeding and that the pole attachment issues are governed by MCL 460.6g(2). PFD, p. 4. The ALJ further noted that WEPCo performs pole attachment design work for UMERC, who owns and operates utility poles throughout its service territory in the UP. *Id.* The ALJ noted that both WEPCo and UMERC are wholly owned subsidiaries of WEC Energy Group, Inc., and that Respondents executed a pole attachment agreement (PAA) with Highline governing the attachment of telecommunications facilities to UMERC's electric utility poles. *Id*.

Next, the ALJ identified the following disputes: (1) whether the minimum ground clearance standards that Respondents impose on Highline are reasonable and consistent with MCL 460.6g(2); (2) whether Respondents' requirement for 6,000-pound strand wire for service drops over 120 feet is reasonable and consistent with MCL 460.6g(2); (3) whether Respondents' requirements placed on Highline are discriminatory; (4) whether Respondents' make-ready and pole replacement costs are excessive and contrary to MCL 460.6g(2); (5) whether Respondents' pole attachment application process is excessive and contrary to MCL 460.6g(2); and (6) whether Respondents' requirements for permission to enter on private property are reasonable. *Id*., p. 5. The Commission will address each issue in the same order as the PFD.

Discussion

As an initial matter, the Commission agrees with the ALJ that MCL 460.6g(2) governs the listed disputes, which provides as follows:

> The commission shall regulate the rates, terms, and conditions of attachments by attaching parties. The commission, in regulating the rates, terms, and conditions of attachments by attaching parties, shall not require a hearing when approving the rates, terms, and conditions unless the attaching party or utility petitions the commission for a hearing. The commission shall ensure that the rates, terms, and conditions are just and reasonable and shall consider the interests of the attaching parties' customers as well as the utility and its customers.

PFD, p. 4 (quoting MCL 460.6g(2)). The Commission further agrees that, under the statute and prior Commission precedent, Respondents have a duty to be reasonable in managing their pole attachment procedures with Highline and that this duty cannot be bypassed regardless of the language in the pole attachment agreement. PFD, p. 5 (citing the February 24, 2005 order in Case No. U-14170 (February 24 order), p. 11). The Commission also notes that, although Respondent WEPCo executed the PAA with Highline, it is Respondent UMERC's electric utility poles and internal pole attachment standards that form the basis of most of Highline's issues in this case.

1. Minimum Ground Clearance Standards

Highline argued that Respondents' requirement that Highline maintain a 15.5-foot minimum vertical clearance for pole attachments in certain areas is unreasonable and inconsistent with the National Electrical Safety Code (NESC) that authorizes a 12-foot minimum clearance for the areas at issue. Highline's witness, Mark Davis, Senior Vice President of Network Engineering and Construction for Highline, testified that Highline's first priority in the attachment of its facilities to utility poles is safety and that the standards for make-ready and engineering of attachments to electric utility poles are expressed in the NESC. 3 Tr 34. Mr. Davis further testified that NESC Rule 232B1-Table 232-1 (Rule 232) "vertical clearance of wires, conductors, and cables above

ground, roadway, rail, or water surfaces" dictates the minimum clearance standards for communications cable and provides in part the following relevant minimum clearance of "9.5 feet for insulated wires that overhang or cross over spaces and ways subject to pedestrians or restricted traffic only (12 feet for non-insulated wires)." 3 Tr 34; Exhibit C-5. Mr. Davis stated that Respondents seek to hold Highline to engineering and make-ready standards above and beyond those provided by the NESC, requiring Highline to pay extra costs associated with those stringent standards, and that other parties whose facilities are already attached to Respondents' poles are not held to the same requirements. 3 Tr 34-35. Mr. Davis sponsored Exhibit C-4 to demonstrate that Respondents' standards result in a cost to Highline that is up to three times the cost per mile of typical make-ready requirements of utility poles owners that Highline does business with in attaching its facilities to utility poles. 3 Tr 35; *see also,* Exhibit C-4.

Highline argued that MCL 460.6g(2) requires the Commission to ensure that pole attachment rates, terms, and conditions are just and reasonable, considering both the customers of the attaching party and the utility and its customers. Highline's initial brief, p. 2. Highline contended that the NESC requirements in certain areas where traffic under eight feet is not expected is 12 feet for minimum clearance for uninsulated wires, yet Respondents require a minimum clearance of 15.5-feet in those same areas. *Id*. Jacob Stedman, Director of Outside Plant Construction for Highline, testified that Respondents' 15.5-feet requirement increases the number of pole change outs (PCOs) that are required and that Highline must pay Respondents for the PCOs, which adds unreasonable time and expense to the build out. 3 Tr 68. Mr. Stedman further testified that Respondents' unreasonable standard for minimum clearance resulted in an estimated $2.4 million in unnecessary PCO costs. 3 Tr 49; *see also,* Exhibit C-7.

Respondents argued that Highline failed to meet its burden to prove that the minimum ground clearance standard set by Respondents for the Highline build out violates MCL 460.6g(2). According to Respondents, the NESC provides minimum vertical clearances under Rule 232, which provide a floor, not a ceiling, and that nothing in the NESC rules prevent Respondents from requiring a higher standard. Respondents' initial brief, p. 11. Respondents further argued that Highline misinterprets the NESC's definition of "spaces and ways subject to pedestrian or restricted traffic only" and that Rule 232 provides:

> [s]paces and ways subject to persons on foot or restricted traffic only are those areas where riders on horses or other large animals, vehicles, or other mobile units exceeding a total height of 8 feet are prohibited by regulation or permanent terrain configurations, or are otherwise not normally encountered nor reasonably anticipated.

*Id*., p. 12 (quoting NESC Table 232-1, n. 9). Thus, Respondents argued, the area only qualifies if it is determined that riders on horses or other large animals, vehicles, or mobile units over eight feet high are either prohibited from the area by regulation or permanent terrain features, the terrain makes it difficult or unlikely that they will cross the area, or they are not normally encountered and are not reasonably anticipated. Respondents' initial brief, p. 12.

Respondents further claimed that Highline made insufficient inquiries to determine if the areas beneath their attachments met the NESC's definition of spaces subject to pedestrian or restricted traffic only. *Id*., pp. 12-13. Respondents argued that "the limited nature and scope of [Highline's] field investigation and lack of documentation undermines Highline's assertions that areas under its attachments are spaces subject to pedestrian or restricted traffic only." *Id*., p. 14. Respondents further contended that Exhibit C-7 shows three different clearance figures and that the Commission is effectively left to guess what the pole replacement figures actually represent. *Id*., p. 15.

The Staff argued that the NESC rule at issue in this case sets a floor for minimum clearance requirements and it would follow that an electric provider would not adhere specifically to the NESC but must prove its standards satisfy the minimum requirements of the NESC while remaining just and reasonable. Staff's initial brief, pp. 3-4.[1] The Staff further contended that Respondents have chosen to enforce a particular standard across the entire service territory even though the NESC may allow a less stringent standard in certain circumstances. *Id*., p. 4. The Staff agreed that Rule 232 is the relevant provision in dispute because it provides guidelines for the minimum acceptable height for ground clearance below the lowest line on a pole. *Id*. The Staff argued that Respondents have applied the 15.5-feet standard across its entire service territory regardless of whether lines run across or alongside roadways and/or driveways. *Id*., pp. 6-7. According to the Staff, Respondents supported the 15.5-feet standard across their entire service territory by stating that logging trucks may go anywhere at any time within its entire service territory and that the clearance is necessary to prevent logging trucks from colliding with telecommunications lines. *Id*., p. 6 (citing 3 Tr 133). The Staff stated that Respondents could not point to a single incident involving a logging truck colliding with a telecommunications line and that it is unreasonable for them to expect that logging trucks may travel anywhere at any time within their service territory. Staff's initial brief, p. 6.

The Staff concluded that Respondents' interpretation of the NESC rules used within its internal pole attachment standards is not just and reasonable, potentially leading to unjust rates, terms, and conditions of attachment. *Id*., p. 10. The Staff argued that the internal design standards of Respondent UMERC are largely consistent with the NESC but are not particularly specific and

[1] The Staff's initial brief is unpaginated. Therefore, any reference will fall in natural order beginning after the cover page.

may have led to differing opinions and interpretations. Staff's reply brief, p. 2. To clarify under what conditions a telecommunications company may attach its equipment to a pole, the Staff recommended that the Commission order UMERC to add detail to its internal pole attachment standards as follows:

> • The guys, neutrals, and fiber optic cables cross over or overhang spaces and ways subject to pedestrians or restricted traffic only, which allows a 9.5-foot clearance.
>
> • The guys, neutrals, and fiber optic cables cross over or overhang water areas not suitable for sailboating or where sailboating is prohibited, which allows a 14-foot clearance.
>
> • The guys, neutrals, and fiber optic cables run along and within the limits of highways or other road rights-of-way but do not overhang the roadway, and the roads are in rural districts where it is unlikely that vehicles will be crossing under the line, in which case a 13.5-foot clearance is allowed.

*Id*. The Staff further recommended that the language also be included in UMERC's next rate book as well as in the company's internal pole attachment standards. *Id*., p. 3.

The ALJ found that Respondents applied a 15.5-foot minimum clearance to Highline pole attachment requests and that the preponderance of the evidence demonstrates that the same minimum clearance requirement is applied by Respondents across the entire service territory. PFD, p. 18. The ALJ further determined that Respondents' application of its minimum clearance standard was unreasonable. The ALJ stated that Highline provided evidence that at least some of the wire attachments are in areas where the NESC's standards for lower clearance are applied "because the area was subject to pedestrian and restricted traffic only or the area runs along the [sic] and within the limits of roads in rural districts where it is unlikely that vehicles will be crossing under the line." PFD, pp. 18-19; *see also*, Exhibit C-7. After considering the interests of Highline's customers as well as the customers of UMERC, the ALJ found that Respondents' application of the NESC's standards and Respondents' own standards are unreasonable and in

violation of MCL 460.6g(2). PFD, p. 19. The ALJ recommended that the Commission adopt the Staff's proposal that UMERC add specific details to its internal pole attachment standards and include the updated standards in the company's next rate book. *Id*., pp. 19-20.

Respondents except to the ALJ's recommendation and argue that they do not apply a 15.5-foot standard to attachments if the area meets the standards for a lower minimum ground clearance. Respondents' exceptions, p. 3. Respondents further argue in exceptions that there is no record evidence that Highline or any other attaching party requested a clearance under 15.5 feet or that any specific area under an attachment on a UMERC pole qualified for a lower clearance standard. *Id.* Although Respondents disagree that Highline requested or made a case for a lower clearance standard in its pole attachment application, Respondents are willing to work collaboratively with the Staff to provide more detail in its minimum ground clearance standards for pole attachments and they propose to provide a proposal to the Staff within 60 days from the date the order is issued in this case. *Id*., p. 4.

Highline filed exceptions asking the Commission to clarify that the NESC standards and the Staff's recommended details need not wait until UMERC's rate case for implementation. Highline's exceptions, p. 2. Highline argues that the Staff's guidance is all Respondents need to be able to conform its behavior to align with the reasonableness standard required by MCL 460.6g(2).

The Staff filed replies to exceptions, agreeing that Respondents should start applying a more reasonable interpretation to Highline's currently pending and yet unbuilt pole attachment application immediately after an order is issued in this case. Staff's replies to exceptions, pp. 5-6. The Staff also recommended that UMERC's internal pole attachment standards be reviewed in the utility's next general electric rate case. *Id*., p. 5.

Respondents argue in replies to exceptions that Highline's exception for clarification is based on the unsupported and inaccurate assumption that it requested 12-foot clearances in the pole attachment applications it submitted, and thus, should be rejected. Respondents' replies to exceptions, pp. 5-6. Respondents further argue that there are currently no pending Highline pole attachment applications under consideration with Respondents and that a re-review of Highline's former application would not change the result because Highline failed to include any specific request for minimum ground clearance less than 15.5 feet. *Id*., p. 4.

The Commission finds the ALJ's recommendation to be well-reasoned and supported and agrees with the ALJ that Respondents' application of its internal pole attachment standards in regard to Highline is contrary to the reasonableness requirements required by MCL 460.6g(2). Although the Commission agrees with Respondents that Highline's pole attachment application was devoid of requests to deviate from UMERC's 15.5-foot minimum clearance standard, this did not alleviate Respondents' duty under MCL 460.6g(2) to reasonably manage its pole attachment procedures with Highline regardless of the language in the pole attachment agreement. *See*, February 24 order, p. 11. Thus, the Commission finds that Highline's request for Respondents to start immediately applying a more reasonable interpretation to currently pending applications and yet unbuilt pole attachments is reasonable under MCL 460.6g(2). The Commission further agrees that there is no reason to delay the Staff's recommendations for clearer details in UMERC's internal pole attachment standards, which incorporates relevant language from the NESC standards, in relation to Highline's pole attachments issues and that those same recommendations should be reviewed in the utility's next rate case. However, the Commission also acknowledges the unique characteristics of the UP, including, as UMERC pointed out, the prevalence of logging activity that could justify a higher minimum clearance in certain areas. *See*, 3 Tr 133. The

Commission notes that pole attachment policies should reflect a balance between the electric utility's responsibilities to maintain its infrastructure in order to serve its customers and other worthy goals of expanding telecommunications services in the same areas served by the utility. In striking this balance, an electric utility proposing more conservative clearance requirements than the minimum standards included in the NESC bears the responsibility of justifying the need for the heightened requirement based on specific considerations and in a manner more narrowly tailored to the utility's objective than a standard that would apply to its entire service territory. As such, to the extent that UMERC proposes to deviate from the NESC standards, it may do so in its next rate case with sufficient evidence to support its proposal.

2. Strand Wire Requirement

Highline argued that Respondents' requirement that Highline use 6,000-pound strand and lashing cable drops for all road crossings, including residential service drops, is excessive and extraordinarily unusual. Highline's initial brief, pp. 27-28. Highline contended that strand wire is prohibitively expensive, while lightweight cable drops are less expensive and normally used for service drops because during abnormal weather conditions such as ice storms, the lightweight drop cable will drop and break rather than take down the entire pole line. *Id*., pp. 28-29. Highline argued that any of Respondents' concerns can easily be addressed without imposing distribution-style construction upon every residential service drop. *Id*., pp. 30-31. Highline averred that the solution is straightforward and it:

> should be permitted to use conventional flat fiber drop, with the appropriate cable-specific clamp and direct strand or J-hook attachment, where the proposed drop satisfies the applicable NESC clearance and the engineering requirements for the actual span and loading condition. Where a particular location cannot satisfy those requirements using conventional flat drop, or where an attacher is attempting to use service drop cable as distribution cable from pole to pole to pole, [Respondents] may require additional support based on the site-specific engineering. That approach directly addresses the concern identified by [Respondents'] own witness

> without converting a narrow problem into an across-the board 6,000-pound strand-and-anchor mandate.

*Id*., p. 31.

Respondents argued that its strand wire requirement is a non-issue because the requirement is only for service drop cables that are over 120 feet long, and there is no evidence that Highline has service drops that long. Respondents' initial brief, p. 21. Respondents further responded that its strand wire requirement is based on sound engineering and safety concerns. *Id*., pp. 22-23.

The Staff agreed with Respondents that Highline presented no evidence that any of its service drop cables would be over 120 feet or that Respondents have required strand wire on any of Highline's service drop cables. Staff's reply brief, p. 4. The Staff made no recommendation on the issue because the issue seems to be based on a hypothetical situation. *Id*.

The ALJ recommended that the Commission reject Highline's argument because the company has not proven that Respondents' strand wire requirement is unreasonable or otherwise in violation of MCL 460.6g(2). PFD, p. 23. The ALJ determined that the evidence demonstrated that Respondents' strand wire requirement is for service drop cable over 120 feet only, and Highline did not identify any of its service drop cable being of that length. *Id*. The ALJ further determined that Respondents' explanation for when strand wire is required is reasonable. *Id*.

Highline filed exceptions to the PFD and argues that the issue is ripe for consideration from the Commission and that Respondents' blanket strand wire requirement for service drop cable over 120 feet is unreasonable and in violation of MCL 460.6g(2). Highline's exceptions, p. 4. Highline contends that the Commission should not conclude that Respondents' categorical requirement to use strand wire for service drops of greater than 120-feet is reasonably justified when the record establishes that legitimate service drops may traverse multiple poles before reaching the customer premise. *Id*., p. 7. Highline argues that the reasonableness required by MCL 460.6g(2) requires

Respondents to evaluate the actual engineering design and then either permit the attacher's design or require whatever support the engineering demonstrates is necessary. *Id*.

Respondents argue in their replies to exceptions that Highline pointed to no actual record evidence contrary to the ALJ's determination that Respondents' strand wire requirement is reasonable. Respondents' replies to exceptions, p. 6. Respondents further argue that Highline failed to present any evidence that any of its service drop cables in Respondents' territory are more than 120 feet long between spans or that Respondents have required strand wire for any of Highline's service drop cables. *Id*.

The Commission finds that the ALJ's analysis of Respondents' strand wire requirement is reasonable and adopts the recommendation to reject Highline's request to find the requirement for service drop cable over 120 feet in length unreasonable. It is uncontested that Respondents' strand wire requirement only applies to service drops longer than 120 feet, and the Commission finds that Highline failed to present evidence that any of its service drop cables in Respondents' territory are more than 120 feet long between spans or that Respondents have required strand wire for any of Highline's service drop cables.

3. Discriminatory Conduct

Highline's witness testified that Respondents do not apply the same standards to parties with existing facilities attached to UMERC's utility poles as are being imposed on Highline. 3 Tr 35. Mr. Davis stated that he often finds existing lines at clearances lower than those required of Highline. 3 Tr 35. Highline further argued that Respondents do not know the number of existing pole attachments under 15.5 feet and do not specifically inspect its poles for attachment compliance. Highline's initial brief, p. 27.

Respondents argued that Highline has not proven any discriminatory conduct and Respondents impose the same minimum clearance standards and strand wire requirements on all attaching parties. Respondents' initial brief, p. 19; 3 Tr 132.

The ALJ found that the claim had been abandoned by Highline and that the record evidence demonstrates that Respondents apply its standards uniformly. PFD, p. 25.

The Commission notes that no exceptions were filed on this issue and therefore adopts the ALJ's recommendation.

4. Excessive Pole Changeouts and Make-Ready Costs

Highline's witness testified that Respondents' 15.5-foot minimum clearance rule increases the number of pole replacements or PCOs that Highline must perform, which increases the time and expense of the buildout. 3 Tr 68. He further testified that Respondents charge Highline $8,000-$10,000 for in-line replacement of a single pole. 3 Tr 68. Highline argued that it is unreasonable to require it to pay the costs to correct noncompliant attachments or other legacy problems. Highline's initial brief, p. 26.

Respondents argued that UMERC maintains a robust pole inspection program and that Highline has failed to demonstrate that Respondents are charging Highline to remedy unmaintained poles. Respondents' initial brief, p. 26. Respondents pointed out that Highline's real issue is whether a pole needs to be replaced at all. *Id*. As to the actual cost per pole replacement, Respondents argued that the record evidence demonstrates that its costs are reasonable, non-discriminatory, and in some instances, less than Highline's cost to replace poles in other utility service territories. *Id*., p. 27.

The Staff provided that it is customary that the attaching party bears the cost to replace a pole when the replacement itself is just and reasonable. Staff's initial brief, p. 7. The Staff contended

that, to the extent the Commission finds Respondents' interpretation and application of its pole attachment standards towards Highline unreasonable, the Commission should likewise find the make-ready costs and pole replacement costs unreasonable. *Id*.

The ALJ found that there was insufficient evidence that the make-ready or pole replacement costs charged by Respondents are unreasonable or in violation of MCL 460.6g(2). PFD, p. 31. The ALJ, however, agreed that the real issue is whether a pole needs to be replaced at all, and she stated that her previous determination that Respondents' 15.5-foot minimum clearance standard in certain circumstances is unreasonable should rectify much of that problem. *Id*. The ALJ further found that although there is insufficient evidence to show that Highline is being required to pay for legacy issues or deficient poles, the Commission should order Respondents to not charge Highline or any other attaching party the cost to remediate noncompliant attachments, replace deficient poles, or repair any legacy issues. *Id*. The ALJ further recommended that Respondents be directed to use its pole inspection program to identify and remediate existing attachment violations or other pole issues. *Id*., p. 32.

Respondents take exception to the ALJ's recommendation and argue that Highline failed to prove that it is being required to pay the cost of remediating pre-existing noncompliant attachments on UMERC's poles, replacing deficient poles, or fixing other legacy issues. Respondents' exceptions, p. 6. Respondents agree with the Staff that the party responsible for a noncompliant attachment or for the need to fix or improve a pole should bear the associated cost and that a pole attachment applicant should bear the cost of changes required to accommodate its attachments. *Id*., p. 8. Respondents further agree that a third party responsible for noncompliant attachments should bear the cost of correcting those attachments, and that Respondents "will continue [their] existing practice of bearing the costs of improving or repairing [their] poles where

it is responsible for the required repair, improvement, or replacement." *Id*. Respondents, however, argue that the Commission should not adopt the ALJ's recommendation to use its existing pole inspection program to identify and attempt to fix attachment violations or other pole issues. *Id*.

The Staff filed replies to exceptions on this issue to clarify that it is not suggesting a new pole inspection program but that Respondents:

> should expand its already existing Pole Inspection Program which is on a 7-year cycle to include an inspection of telecommunication attachments, such that attachment inspections only occur every seven years, alongside the pole inspection, and will not be an additional activity for the Company. Staff opines that it would be a reasonable and prudent use of resources to expand an existing Pole Inspection Program with incremental costs that will aid in identifying and remediating third party attachment violations, and that [Respondents'] request that the Commission deny the ALJ's recommendation on this topic be rejected.

Staff's replies to exceptions, pp. 6-7.

Highline also filed replies to exceptions and argues that the Commission should provide an express directive that Highline and other attaching parties may be charged only for make-ready work actually caused by their proposed attachments, and not for unrelated legacy conditions, deficient poles, or pre-existing third-party violations for which they are not responsible. Highline's replies to exceptions, p. 8. Highline further argues that the Commission could clarify that Respondents "should use [their] robust existing inspection and maintenance processes, where practicable, to identify and address legacy conditions, while preserving the separate rule that costs attributable to those legacy conditions are not chargeable to Highline unless caused by Highline's proposed attachment." *Id*., p. 9.

The Commission finds the ALJ's recommendation to be well-reasoned and supported by the record and agrees with the ALJ's determination that there was insufficient evidence that Respondents' make-ready or pole replacement costs are unreasonable or otherwise in violation of

MCL 460.6g(2). Although the ALJ made this determination, she nevertheless recommended that the Commission order Respondents to not charge Highline or any other attaching party the cost to remediate noncompliant attachments, replace deficient poles, or repair any legacy issues. The Commission finds that the recommendation is inconsistent with the initial determination and, therefore, respectfully declines to adopt her recommendation.

In regard to the pole inspection program, the Commission finds that the Staff's proposal for Respondents to expand its existing pole inspection program such that attachment inspections only occur every seven years, alongside the pole inspection, is a reasonable and prudent use of resources with incremental costs that will aid in identifying and remediating third-party attachment violations. Therefore, the Commission adopts the ALJ's recommendation, as clarified by the Staff.

5. Excessive Application Process

The ALJ determined that the record evidence failed to demonstrate by a preponderance of the evidence that Respondents' application review process is excessive or unreasonable. PFD, p. 35. The ALJ, however, recommended that the Commission provide comprehensive explanations to applicants when rejecting or requesting revisions of an application and that such a requirement would not be burdensome and would be beneficial to the process. *Id*., pp. 35-36.

Neither Highline nor Respondents filed exceptions on these issues. Therefore, the Commission adopts the recommendations set forth by the ALJ.

6. Easements

The ALJ determined that Highline withdrew its request for relief on this issue and that the issue is moot. PFD, p. 37. The Commission agrees.

THEREFORE, IT IS ORDERED that:

A. Upper Michigan Energy Resources Corporation shall revise its internal pole attachment standards as proposed by the Commission Staff, and the revised standards shall take immediate effect following the issuance of this order and will be subject to review in the utility's next general electric rate case.

B. Upper Michigan Energy Resources Corporation shall expand its existing pole inspection program as described in the order.

C. All other claims for relief by Aspire Networks 1, LLC, d/b/a Highline Internet, pursuant to MCL 460.6g(2) are dismissed.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at LARA-MPSC-Edockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at sheac1@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Katherine L. Peretick, Commissioner

Shaquila Myers, Commissioner

By its action of October 15, 2026.

Lisa Felice, Executive Secretary

# P R O O F  O F  S E R V I C E

STATE OF MICHIGAN )

Case No. U-22114

County of Ingham )

Brianna Brown being duly sworn, deposes and says that on October 15, 2026 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).

Brianna Brown

Subscribed and sworn to before me
this 15th day of October 2026.

Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2030

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