

Utility Pole Attachments

General Compliance Guidelines

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2.0 ABOUT THIS DOCUMENT

2.1. Summary

The Pole Attachment General Compliance Guidelines provide an overview of legal considerations and requirements that apply to attachments in PREPA utility poles. These guidelines serve as a set of rules to be followed by third- parties that have existing attachments or have interest of having utility pole attachments on PREPA utility poles. The General Compliance Guidelines apply inclusively in the absence of a Pole License Agreement and provide the minimum requirements of compliance for third parties such as municipality, telecommunications company, governmental entity, or homeowner association, among others.

2.2. Authorities

PREPA, as established by public policy Act No. 120-2018 (“Puerto Rico Electric Power Transformation Act”) and Act No. 17-2019 (“Puerto Rico Energy Public Policy Act”) and directed by its Governing Board and Executive Director, is in the midst of a major transformation process through which the operations and maintenance of the PREPA Transmission and Distribution system (T & D System) have been transitioned to LUMA under the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement, dated as of June 22, 2020, among PREPA, the Puerto Rico Public-Private Partnerships Authority, LUMA ENERGY, LLC, and LUMA ENERGY SERVCO, LLC (the “O&M Agreement”).

Pursuant to the “O&M Agreement” LUMA is responsible, on behalf of or as agent of PREPA, for (i) providing management, operation, maintenance, repair, restoration and replacement and other related services for PREPA’s transmission and distribution system and related facilities, equipment and other assets related to the transmission and distribution system (“T&D System”), in each case that are customary and appropriate for a utility transmission and distribution system service provider(ii) establishing policies, programs and procedures with respect thereto (collectively, the “O&M Services”) and (iii) shall be responsible, among other things, of real estate management, Easements, leases and agreements, utility pole attachments (including billing and collection for pole attachment fees, as well

as maintaining a complete inventory of type and location of each attachment and plans for revenue optimization), joint use agreements and telecommunications for the provision of electric service.

All actions taken by LUMA described in this document are taken on behalf of or as agent of PREPA pursuant to the “O&M Agreement”.

2.3. Purpose

LUMA, as agent of PREPA, prepared this Pole Attachments General Compliance Guidelines to facilitate and to provide updated general compliance requirements for the installation and maintenance of third-party attachments on PREPA’s overhead system utility poles in Puerto Rico (PREPA Utility poles). These guidelines must be used in conjunction with the Third-Party Attachments (TPA) Engineering Standards, the Application Guide for Pole Attachment Requests and the Make Ready Process for Utility Pole Attachments available on the LUMA website.

2.4. Applicability

These General Compliance Guidelines shall apply to all third parties, including telecommunications service providers and Municipalities, that attach or install facilities or any type of equipment on PREPA utility poles. The installation, maintenance, or operation of any facility, equipment or attachment on PREPA utility poles constitutes acceptance of, and agreement with, these General Compliance Guidelines. The design, construction and installation of overhead telecommunications system infrastructure shall also comply with all applicable laws and regulations in force. These guidelines must be used in conjunction with the Third-Party Attachments (TPA) Engineering Standards, Third Party Attachment Process and the Make Ready Process for Utility Pole Attachments available on the LUMA website. The Pole License Agreement must also be used in conjunction with these guidelines.

2.5. Applicable Laws, Regulations and Codes

Local laws, regulations, and codes, that may apply to utility pole attachments include, but are not limited to:

- Puerto Rico Telecommunications Act, Act No. 213-1996, as amended
- Act to Promote Fair Competition in Telecommunications, Information, and Pay Television Services in Puerto Rico, Act No. 80-2017, as amended

- Puerto Rico Permit Process Reform Act, Act No. 161-2009, as amended
- Puerto Rico Electric Power Authority Act, Act No. 83 of May 12, 1941, as amended
- Act to Facilitate the Implementation and Use of Small Wireless Installations or Small Cells in Telecommunications Systems in Puerto Rico, Act No. 127 of August 1, 2019
- Regulation to Access Public Property for Telecommunication Services, Information and Television for Payment, Regulation No. 9090 (2019) of the Telecommunications Bureau of Puerto Rico (TBPR)
- Puerto Rico Joint Permits Regulation for the Evaluation and Issuance of Permits Related to Development, Land Use and Business Operation (Joint Regulation), Regulation No. 9473 (2023) of the Puerto Rico Planning Board
- Regulation for the Management of Infrastructure in Public Space, Regulation No. 22 (1992) of the Puerto Rico Planning Board
- PREPA Easements Regulation, Regulation 7282 of 2007
- PREPA's Terms and General Conditions for the Supply of Electric Service Regulation, Regulation 7982 of 2011
- Shall comply with the current following codes:
 - National Electrical Code (NEC)
 - National Electrical Safety Code (NESC)
 - Puerto Rico Codes (PR Codes)
- Any applicable regulations from other agencies or public instrumentalities

2.6. Effectiveness

These Guidelines will be effective as of the date of publication. LUMA, as agent of PREPA, given the evolving operational, regulatory and environmental conditions affecting the utility poles, may, from time to time, issue procedural guidelines, user manuals, standards and other documents to facilitate the management of utility pole attachments. All third parties shall comply with such guidelines and

materials as they may be revised or updated by LUMA and published on LUMA's website or otherwise made available to them.

3.0 GENERAL COMPLIANCE GUIDELINES

3.1. General Compliance:

The attachment of equipment owned by third parties, such as telecommunications facilities, power supplies, batteries, small cell antennas systems, gunshot detection systems, surveillance cameras and wireless communication equipment, to PREPA utility poles, shall be assessed, managed and tracked to ensure reliability and structural capacity of the utility poles, and the collection of revenues related to these activities.

3.1.1. Agreement Required

Any third-party attachments shall require have a previously signed agreement between the owner of such attachment and PREPA, (with LUMA acting as agent) addressing, among others, the engineering and legal requirements for utility pole joint use, including the payment of charges for use of the utility poles.

Any third-party attachments that require a point of connection must also sign a utility service agreement for the service of electricity.

Any attachment installed without the required third-party agreement shall be deemed a trespass and subject to all remedies available in law and in equity. Moreover, notwithstanding the absence of such agreement, by the act of attaching to or otherwise using PREPA utility poles the attacher or user of the utility pole becomes subject to all obligations and responsibilities applicable to attachers with third-party agreements in place, including, without limitation, the obligation to maintain and provide to LUMA an accurate and updated inventory of its attachments and any charges for noncompliance with obligations related to TPAs and the use of PREPA utility poles.

3.1.2 Permit Required

The attachment of equipment owned by third parties, such as telecommunications facilities, small cell antennas systems, gunshot detection systems, surveillance cameras and wireless communication

equipment, to PREPA utility poles, require a permit written approval by LUMA. All utility pole attachments will be reviewed and approved by LUMA's Third Party Attachment Department considering the structural integrity of existing utility poles is not compromised with a proposed third-party attachment and the conditions or requirements to be met to allow installation of a third-party attachment in each utility pole.

Third party attachments that require a point of connection, the owner must also submit the corresponding process through the Single Business Portal or Electrical Certification for the connection to the electrical service.

Permit requests must be paid in full prior to construction and attaching of third-party utility pole attachments.

3.1.3 Insurance Policies

Any third-party attachment owner is responsible for the maintenance of insurance policies, at its sole cost and expense, covering all liabilities at law assumed by or resulting from the operations performed on PREPA utility poles by the Third Party, its contractors and agents, including but not limited to a Commercial General Liability. The policies should be endorsed as additional insured in favor of LUMA Energy ServCo LLC and the Puerto Rico Electrical Power Authority. All required policies of insurance shall be in a form and amount acceptable to LUMA and PREPA and shall be issued only by insurance companies authorized to do business in Puerto Rico, describing the coverage afforded.

3.1.4 Inventory

The third-party owner of any utility pole attachment will provide LUMA with a map, or a list of Existing Attachments including, at minimum, the type of facility, utility pole identification, location, height and space occupied.

3.1.5 Applicable Standards

All utility pole attachments installed on PREPA utility poles must be in compliance with Laws, Regulations & Codes, the Third-Party Attachments (TPA) Engineering Standards, the Application Guide for Pole Attachment Requests, the Make Ready Process for Utility Pole Attachments, the Pole License Agreement if signed, any other applicable standard, and in accordance with the permit issued.

Applicable Standards include all applicable engineering and safety standards governing the installation, maintenance and operation of facilities and the performance of all work in or around electric Facilities and includes the most current versions of National Electric Safety Code (“NESC”), the National Electrical Code (“NEC”), the regulations of the Puerto Rico Occupational Safety and Health Administration (“PROSHA”), the Puerto Rico Joint Permits Regulation for the Evaluation and Issuance of Permits Related to Development, Land Use and Business Operation (“Joint Regulation”), Puerto Rico Building Code (2018 or the most current version), Act No. 16 of 1975, as amended, (Ley de Seguridad y Salud en el Trabajo de Puerto Rico), as well as the engineering and safety standards established by PREPA/LUMA, and/or other reasonable safety and engineering requirements established by PREPA/LUMA; and other federal, state or local governmental applicable regulations with jurisdiction over Facilities including but not limited to the Public Service Regulatory Board of Puerto Rico and its bureaus. The Standards guarantee the welfare of the facilities, safeguard the integrity of PREPA’s property, and include Construction Standards, the standards for construction as required by state or Federal Laws or Regulations.

3.1.6 Make-Ready

The owner of the third-party attachment (be it a municipality, telecommunications company, governmental entity, or homeowner association, among others) is responsible for the full cost of and make-ready work required to provide sufficient utility pole strength or clearance to meet LUMA and industry standards.

3.1.7 Maintenance of utility pole attachments

The owner of the third-party attachment (be it a municipality, telecommunications company, governmental entity, or homeowner association, among others) is responsible for the installation and maintenance of its facilities and shall, at its own expense, make and maintain its Attachments in safe condition and good repair, in accordance with Third-Party Attachments (TPA) Engineering Standards. Maintenance includes any vegetation management of the communication space, and the repair, or removal of any facilities or structures they own, operate, or lease that may be considered abandoned or a danger to public safety. LUMA may require any telecommunications company to repair or remove any of its facilities that pose a danger to public safety at their own cost.

If the owner fails to repair, rearrange or remove any attachments within the timeframe provided, LUMA may remove the attachment at the owner's sole cost and expense, and LUMA shall not be liable for any loss or damage arising from such removal.

3.2 Unauthorized Use of PREPA Utility Poles

Any Attachment, Facilities or Overlash of an Attaching Third-Party Entity in breach of these Guidelines or the TPA Engineering Standards, including, but not limited to failure to obtain a Permit or not installed in compliance with the requirements of the Permit issued and not timely corrected is considered an unauthorized use of public property ("Unauthorized Attachment"). An Attachment installed by an entity that failed to execute a Utility Pole Attachment Agreement or installed after the expiration or termination of such agreement shall also be considered an Unauthorized Attachment.

A Non-Compliant Attachment is any utility pole attachment with a corresponding issued Permit that LUMA has determined is not in compliance with the Permit or TPA Engineering Standards.

3.2.1 Unauthorized Attachments

LUMA may notify any third-party of an Unauthorized Attachment and require the owner to correct or remove such attachment. If the owner fails to remove within the timeframe provided in the notice, LUMA may remove the attachment at the owner's sole cost and expense, and LUMA shall not be liable for any loss or damage arising from such removal.

Unauthorized Attachments may create safety hazards, utility pole loading uncertainties, and administrative burdens. LUMA may take all reasonable steps to manage the operational impacts associated with the non-compliance, including all legal remedies. Among the different legal remedies available, the Third Party Attacher may incur criminal violations (Act 143 of 1979, and PR Penal Code), and will be responsible for all the damage resulting from their actions in accordance with the PR Civil Code of 2020. LUMA may also under the provisions of Regulation 7982 cut electric service.

3.2.2 Unauthorized Attachments for Failure To Timely Transfer, Abandon, or Remove Facilities

If the owner fails to remove within the timeframe provided in the notice, LUMA may remove the attachment at the owner's sole cost and expense, and LUMA shall not be liable for any loss or damage arising from such removal. If LUMA performs removal, the third-party attachment owner shall reimburse actual, reasonable removal and disposal costs.

In addition to the above LUMA shall have all the rights and remedies provided in Section 14 of Act 83-1941, including imposing a fine of \$250,000 or up to three times the cost of the project, whichever is higher.

3.2.3 Non-Compliant Attachments

LUMA may notify any third party of a non-compliant attachment and provide written notice of non-compliance to the third-party owner, specifying the required corrective measures. If the owner fails to remove or correct within the timeframe provided, the Attachment shall be considered an Unauthorized Attachment, LUMA may remove the attachment at the owner's sole cost and expense, and LUMA shall not be liable for any loss or damage arising from such removal. Conditions posing an imminent danger to life or property must be corrected immediately; LUMA may take emergency action and recover actual, reasonable costs attributable to the Third-Party owner.

3.2.4 Failure to complete the permit process for Attachments and equipment under Act 161 of 2009

LUMA as a agent of PREPA, may impose fines and submit any legal remedies provided in Act 161 of 2009 for any violation to the Act, the Joint Permit Regulation of 2023 and any other laws or regulations of PREPA.

3.2.5 Unauthorized Use of Energy

LUMA, may impose charges and submit any legal remedies provided for the unlawful and unauthorized use of energy on equipment installed on PREPA utility poles.

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