

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



November 21, 2024

Dan Barcomb,
Project Manager
Zayo Group, LLC
8516 Nash Dr.
Pasco, WA 99301

RE: Notice To Proceed #3 (NTP-3) for Zayo Group's Prineville to Reno Fiber Optic Line Project

Dear Mr. Barcomb:

The Zayo Group LLC's (Zayo) received a Notice to Proceed (NTP-1) from the California Public Utilities Commission (CPUC) to commence construction activities for the Prineville to Reno Fiber Optic Line Project (Project) on November 27, 2023. NTP-1 allowed the initiation of construction activities including vegetation removal, trenching, and drilling, etc. along the majority of the 194.1-mile route. However, NTP-1 did not grant authorization to proceed in areas subject to Bureau of Land Management (BLM) approval regarding investigation and treatment of cultural resources sites until BLM is satisfied with those studies. Specifically, Zayo NTP-1 did not allow Zayo to start construction within 1,000 feet of sites P-18-001973/CA-LAS-001973, P-25-001323/XL-1982-038, and P-25-003860/CA-MOD-3860/ 41.12.24.03 prior to BLM approval and CPUC review of the Historical Resources Treatment Plan (HRTTP). CPUC approved the HRTTP on May 16, 2024. NTP-2, which allowed construction within 1,000 feet of sites P-18-001973/CA-LAS-001973 and P-25-003860/CA-MOD-3860, was approved on September 12, 2024.

As described in the HRTTP and in the application for NTP-3, after the approval of the modification of the existing Certificate of Public Convenience and Necessity (CPCN) and accompanying SB 156 Statutory Exemption and Conditions of Approval on August 10, 2023, Zayo continued consultation and collaboration with the BLM, including additional geotechnical review, which determined that the spatial boundary of P-25-001323/XL 1982-038 was incorrect and the revised site boundary shows that the site extends further west than originally mapped. Therefore, Zayo has also submitted an addendum to the HRTTP (dated October 31, 2024) with additional measures to ensure avoidance of site P-25-001323/XL 1982-038, including using horizontal directional drilling to a minimum depth of 2 meters.

Zayo's NTP-3 request also requests an adjustment of the running line location that crosses US 395 in the area immediately north of the P-25-001323/XL 1982-038 site boundary to avoid an area of steep slope. This adjustment would move the location of the highway crossing to an area that is further away from the P-25-001323 site boundary into an area with no sensitive resources to improve constructability.

Conditions of Approval related to avoidance and inadvertent discovery in the HRTTP and the Conditions Monitoring, Compliance, and Reporting Program (CMRCP) remain applicable to activities approved by this NTP.

NTP-3 is granted by the CPUC for the proposed construction activities based on the understanding that Zayo and its contractor(s) will meet the following conditions:

1. Zayo shall comply with all Conditions of Approval included in the Conditions Monitoring, Compliance, and Reporting Program (CMCRP) and with the requirements of the HRTTP and HRTTP

Addendum for the Prineville to Reno Fiber Optic Line Project. All project compliance plans and permit conditions shall be implemented during construction activities. Some measures are ongoing/time-sensitive requirements and shall be implemented prior to and during construction where applicable.

2. Copies of all relevant permits (e.g., , Caltrans encroachment permit), compliance plans (i.e., CMCRP, SWPPP, etc.), and this Notice to Proceed shall be available on-site for the duration of construction activities. Copies of permits shall be provided to the CPUC.
3. Preconstruction clearance surveys for biological, cultural, and paleontological resources shall be conducted as appropriate prior to construction activities in accordance with the CMCRP. Results of the surveys shall be provided to CPUC via email prior to construction activities in each survey area.
4. All project personnel shall undergo Worker Environmental Awareness Program (WEAP) training on environmental issues, including requirements of the CMCRP, prior to starting work. A log shall be maintained on-site with the names of all project personnel trained and sign-in sheets shall be submitted to the CPUC monthly.
5. No movement or staging of construction vehicles or equipment shall be allowed outside of the approved workspace areas. CPUC must approve any additional temporary workspace areas or access routes, and/or changes to construction techniques.
6. If construction debris or spills enter into environmentally sensitive areas, the jurisdictional agencies and the CPUC shall be notified immediately.
7. Zayo shall acquire all necessary encroachment permits from Caltrans prior to conducting work within the Caltrans ROW.
8. Zayo shall send pre-construction notifications to sensitive receptors located within 100 feet of construction activities at least 30 days prior to construction.
9. Zayo shall submit resumes for biologists and cultural resources and paleontological resources monitors for approval by the CPUC at least 10 working days prior to the monitor commencing field duties.

Please direct questions related to this memo to me at (415) 703-2124 or connie.chen@cpuc.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "connie chen".

Connie Chen
Public Utilities Regulatory Analyst
Energy Division