



## **NRSC Bulletin No. 2013-001**

### **Copper Theft Deterrent**

### **March 2013**

#### ***Background***

The Alliance for Telecommunications Industry Solutions (ATIS) Network Reliability Steering Committee (NRSC) believes that an increase in copper theft and facility damage is negatively impacting communication provider's network reliability and increasing operational costs. The increased frequency of these events and potential destructive impact has driven multiple states to pass broader and more rigid laws.

#### ***Methodology of the Copper Theft Deterrent Subteam***

The Copper Theft Deterrent Subteam was formed in early 2012, with the primary objective of providing guidance for deterring copper theft in order to maximize network security, reliability, and resiliency for consumers of communication and emergency services. The Subteam sought to fully educate itself on this problem and solicited information regarding copper theft from experts among its own members and other affected stakeholders, including tower companies (e.g., American Tower Corp., Crown), the Southeast Metal Theft Task Force, and Metal Theft Workgroups (e.g., Puget Sound Electric). Based on this input, the Subteam developed a set of minimum legislative requirements for metal recyclers and law enforcement that could effectively prevent or deter copper theft. The Subteam then performed a gap analysis of existing state laws, and applied the minimum legislative requirements against the legislature of all fifty states.

#### ***Recommendations***

The Copper Theft Deterrent Subteam recognizes that the legislative climate is fluid, and the gap analysis completed by the Subteam may no longer be accurate. However, the exercise was invaluable to the Subteam's understanding of this issue, and the Subteam believes the industry will benefit from access to the minimum legislative criteria the Subteam created:

- Record retention (minimum 24 months)
- Photo State identification
- Seller physical description
- Transport vehicle description (including VIN number)
- Description of metal being sold (photo, weight, quantity, identifying marks)
- Prohibit alteration of materials bought for 7 days
- Cash payment no greater than \$75
- State registration of metal recyclers
- Law enforcement inspection of suspected stolen metal
- Felony and misdemeanor penalties for theft consistent with State laws (e.g., considered a felony charges when greater than \$500 in damages is associated with the theft)
- Criminal penalties related to communications equipment damage (e.g., denial of E9-1-1 services)
- Conviction of possessing stolen metal or equipment results in permanent revocation of metal recycler license
- Persons convicted of metal theft (or attempted) should be held liable for damages
- Wire or cable brought in for recycling must be in its original form, e.g., not stripped or burned.



### ***In Conclusion***

Copper theft presents communication providers with several challenges; not only do these thefts impose senseless expenses from the loss of assets, but also result in the loss of service to customers, most importantly emergency services. The NRSC believes that communication providers and industry stakeholders will be more successful in combating copper theft at a local level with metal recyclers and law enforcement by endorsing the minimum legislative requirements cited in this Bulletin to state legislatures and establish or improve copper theft related State laws. Where existing legislation does not meet or exceed these recommendations, companies should urge their state legislatures to consider adopting these minimum requirements recommended by the Copper Theft Subteam to further deter copper theft.

The NRSC Copper Theft Deterrent Subteam will continue its efforts to be a useful resource and ensure the reliability and resiliency of the nation's communication networks. In 2013, the Subteam plans to continue to partner with industry stakeholders to effectively educate and influence state legislators on forthcoming legislative activity. The Subteam will also analyze existing Best Practices and may identify new Best Practices to ensure industry is aware of and well prepared with procedures that are the most effective in addressing copper theft.