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August 8, 2025

VIA ELECTRONIC MAIL ONLY (dpu.efiling@mass.gov)

Secretary Mark D. Marini
Department of Public Utilities
One South Station, 5th Floor
Boston, MA 02110

*Re: D.P.U. 25-10
Joint Notice of Inquiry by the Department of Public Utilities and the Department of
Telecommunications and Cable on their own Motion to explore utility pole attachment,
conduit access, double pole, and related considerations applicable to utility work
conducted on public rights-of-way in the Commonwealth*

Dear Secretary Marini:

Pursuant to the Hearing Officers' Memoranda dated June 26, 2025, and July 11, 2025, attached for filing please find the Cape Light Compact JPE's (the "Compact") Comments in the above-referenced proceeding.

Thank you for your attention to this matter. If you require further information or have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Rebecca F. Zachas'.

Rebecca F. Zachas

RFZ/drb
Enclosure

cc: Kerri Phillips, Esq., DPU Hearing Officer (w/enc.) (via email only)
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Margaret T. Downey, Compact Administrator (w/enc.) (via email only)

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

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Joint Notice of Inquiry by the Department of Public)	
Utilities and the Department of Telecommunications)	
and Cable on their own Motion to explore utility)	D.P.U. 25-10
pole attachment, conduit access, double pole, and)	
related considerations applicable to utility work)	
conducted on public rights-of-way in the)	
Commonwealth.)	
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COMMENTS OF THE CAPE LIGHT COMPACT JPE

Pursuant to the Memoranda dated June 26, 2025, and July 11, 2025, by the Department by the Department of Public Utilities (“DPU”) and the Department of Telecommunications and Cable (“DTC”) (together, the “Departments”), the towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, West Tisbury, Wellfleet, and Yarmouth (together, the “Member Towns”), as well as Dukes county, organized pursuant to G.L. c. 164, §134 and G.L. c. 40, §40A ½ and acting collectively together as the Cape Light Compact JPE (the “Compact”) hereby respectfully submit the following comments.¹

The Compact submitted comments on April 17, 2025, and a presentation on June 9, 2025, in this proceeding, as well as participated in and presented at the technical session on June 25, 2025. The Compact appreciates the Departments’ consideration of double poles and this opportunity to provide additional comment.

¹ The Compact’s Joint Powers Agreement is available online at <https://www.capelightcompact.org/wp-content/uploads/2025/01/Third-Amended-and-Restated-JPA-Final-4-10-24.pdf>.

I. COMMENTS

For more than two decades, the Compact has been hearing from its Member Towns about concerns related to double poles. In its role as consumer advocate, the Compact has raised this issue over the years, trying to highlight safety, reliability and other issues related to double poles. Compact Comments at 8-10 (citing D.P.U. 12-120, Compact Initial Comments at 10-12 (March 15, 2013); D.P.U. 17-05, Compact Initial Brief at 57-58 (July 21, 2017); D.P.U. 24-10 Compact Initial Brief at 18 (May 17, 2024)). The Compact is appreciative of comments from other parties agreeing that double poles are a significant problem that need to be resolved.

Over twenty years after D.P.U. 03-87, a significant number of double poles remain. Now is an ideal time to address the reasons behind the ongoing issue of double poles given that the utilities are ramping up investments related to grid modernization, meeting climate goals, and broadband deployment efforts. Those investments will result in significant construction on the streets of municipalities across the Commonwealth and the need for taller poles with additional clearances, likely leading to a rise in double pole numbers. See D.T.E. 03-87, Eversource's Semi-Annual Double Pole Report at 2-3 (December 20, 2023) (Eversource acknowledging that infrastructure upgrades and investments may increase the double pole count); National Grid Comments at 31 (March 18, 2025); Eversource Comments at 31 (March 18, 2025); Verizon Comments at 23 (March 18, 2025); Unitil Comments at 18 (March 18, 2025).

The technical sessions were very helpful in learning more about the reasons for double poles and beginning the discussion on how to address them as well as the critical services utility poles enable for residents and businesses. Below, the Compact discusses some actions that the Departments should investigate to determine whether they could help to reduce the double pole count, including: (1) greater involvement of municipalities on the National Joint Utilities

Notification System (“NJUNS”) database; (2) single visit transfer; (3) standardization of utility pole work; (4) full audit of the double pole data on NJUNS; (5) requiring pole owners and attachers to participate on the NJUNS database; and (6) penalties for any entity not completing timely removal of attachments.

The Compact also suggests one revision to the Departments’ revised pole attachment regulations issued in the docket on June 18, 2025.

A. The Departments Should Investigate Increasing Visibility for Municipalities on the NJUNS Database.

On a daily basis, municipal officials are in the position to view and monitor the status of double poles in their communities. A change should be made to give municipal officials more insight into and ability to provide feedback on the NJUNS database. As raised during the technical session, the Departments should investigate providing municipalities (e.g., Departments of Public Works) with a log-in to and dashboard view of the NJUNS database to view certain information not in conflict with the proprietary issues of attachers (i.e., pole location). For example, municipalities have commented that the street reality and data in NJUNS do not match. Compact’s Comments at 11, n.5 and n.6. Municipalities on the NJUNS database are positioned to help ensure data accuracy and to provide additional insight into double poles. All municipalities should be given this functionality (regardless of whether the town itself is a pole attacher) to be able to monitor double poles in the community. Those towns that do have attachments (but are not currently on NJUNS), such as municipally owned streetlights, should be able to access the ticket for those poles.

Further, the Departments should investigate expanding the use of the NJUNS database to allow municipalities to provide feedback to the utilities on NJUNS as to which double poles should be priority for removal. For example, the towns and cities know best which double poles

create safety hazards or other specific issues based on what is going on in their community. Allowing the municipalities to highlight those double poles to the utilities, pole owners and attachers makes good sense.

B. The Departments Should Investigate Options to Reduce the Double Pole Count and to Hold Utilities, Pole Owners and Attachers Accountable for Moving Attachments on Double Poles.

Given the significant number of ongoing double poles, the 90-day statutory requirement to remove double poles is not being met. This lack of compliance is to the detriment of the communities where those poles are located. G.L. c. 164, §34B requires in part, that a utility removing a pole to install a new one “shall complete the transfer of wires, all repairs, and the removal of the existing pole from the site within 90 days of the installation of the new pole.” As the Compact shared during the technical session, some double poles remain in place for over four years (e.g., Pole No. 36/847 on Route 6A, Orleans).² Compact Presentation at 7 (June 9, 2025).

As the parties heard during the technical sessions, there are many different kinds of attachments in the communications and utility spaces on the poles. To remove a double pole, all entities with an attachment on the old pole need to take action to move their attachments to the new pole in a timely way. It is clear that attachers do not currently have the incentive needed to do so. The Departments should send a clear, strong signal that all utilities, pole owners and attachers on double poles should facilitate the 90-day statutory requirement.

The Departments should explore ways to provide that incentive and to resolve the double pole backlog, especially single visit transfer, utility standardization, NJUNS improvements, and penalties as discussed below. Some parties suggest a longer timeframe than 90 days to resolve

² NJUNS had identified a double pole in South Wellfleet – Pole No. 36/1171 (NJUNS Ticket No. 5049840) – with a new pole installation date of March 11, 2022. The Compact had featured this double pole in its presentation during the June 25, 2025, technical session. See Compact Presentation at 6. The Compact recently observed and appreciates that this double pole has been resolved.

double poles. However, the Compact strongly suggests that the Departments first decide on the mechanisms to use to address the double pole problem and then determine whether an extension on the 90-day timeframe may be warranted.

1. Single Visit Transfer

The Departments should investigate single visit transfer in the communications space, which the parties seemed to agree may help reduce the double pole backlog. Discussion during the technical session indicated that some attachers wait to move attachments when they are signaled to be “next up” in the NJUNS database until the attacher has enough pole work to make it economical for them. Single visit transfer could alleviate some of those situations in the communications space by having multiple attachments handled by one qualified licensed contractor. There are various issues to consider with single visit transfer, especially safety, cost sharing, contractor qualifications, and liability. The contractor would also have to be able to update the NJUNS database for any attachments worked on. During the technical session, Unifil noted that there is a pilot of single visit transfer in the communications space in New Hampshire. When available, any lessons learned from that pilot should be carefully considered. Given the potential upside for double poles, single visit transfer should be given careful consideration.

2. Standardization of utility pole work

The utilities have made clear that single visit transfer should not apply to the utility electric (transmission & distribution) space. See e.g., Eversource Comments at 22, 25 (March 18, 2025). Given that, the utilities’ approach to double poles should be scrutinized for how it can be improved to speed up transfers in the utility space. As pointed out during the technical session, the utilities have different processes in place for poles. National Grid sets all jointly-owned poles in coordination with Verizon in all of National Grid’s service territory. In

Eversource's service territory, there is a different arrangement where Verizon sets poles in certain towns and Eversource sets poles in other towns. The Departments should explore whether standardization of utility pole work could speed up or otherwise create efficiencies for double pole removals in the utility space.

3. Additional NJUNS improvements

There seemed to be consensus during the technical session that (1) NJUNS is a useful and well run system that should continue to be used, and (2) the data in NJUNS is outdated and requires significant updating. Questions were also raised on whether and how the use of the NJUNS database may be expanded. The Compact asks the Departments to consider the following with respect to NJUNS.

a. Full audit of NJUNS data

The parties seemed to agree that NJUNS is only as good as its data and that the data on double poles is seriously out of date. As discussed in comments and in the Compact's presentation at the technical session, the street reality of double poles does not match the data in NJUNS. The Departments should direct that the utilities move past the old reporting in D.T.E. 03-87 and should require a full audit of the double poles data. Until the street reality and NJUNS match, NJUNS cannot be a useful resource. The audit should include ensuring consistency of data (e.g., street names), GPS-based location information, physical Pole ID numbers, inspection date(s), photographs and tracking status.

b. Mandate NJUNS membership and participation by all pole owners

The utilities noted that one problem with meeting the double pole removal statutory timeframe is that not all pole owners and entities with attachments on the poles are required to have a membership in the NJUNS database (e.g., their licensing agreement does not require it).

Without such membership, those entities are not easily informed of pole status. Given the significant ongoing issue of double poles, the Departments should investigate how to require membership on NJUNS by all pole owners and attachers.

The utilities also noted during the technical session that they are often unable to contact pole owners and attachers through NJUNS because their contact information is not current. That information includes the pole status and whether it is that entity's turn to move their attachments on double poles. The utilities seemed to indicate that this problem is somewhat common. The Departments should require all entities on the NJUNS database to keep certain contact information up-to-date to ensure that this problem is resolved moving forward. Especially if all pole owners and attachers are to be mandated to be on the NJUNS system, such a requirement would be important.

The Departments should also investigate how else the NJUNS database might be used to better communicate when it is a pole owner's or attacher's turn to move their attachments.

c. Track complaints on NJUNS

The Compact asked the utilities during the technical session how complaints on double poles are tracked on NJUNS. The utilities responded that they do not track double pole complaints. The Massachusetts Municipal Association ("MMA") has stated that "[m]unicipal officials regularly field complaints from residents and property owners regarding unsightly and unsafe double poles." MMA Comments at 2 (March 18, 2025). During the technical session, it was noted that city and town pole hearings for new utility services typically raise concerns related to double poles, but they remain unresolved. This data point should be added to NJUNS by the utilities. In doing so, a connection that is currently lacking between the electric distribution companies (the "EDCs") and municipalities as well as the EDCs and the public can

be established. Municipalities should also be able to monitor double pole complaints, comment on complaints raised by the public in their town, and add their own complaints through their access to NJUNS as suggested in Section I.A. above. Pole owners and attachers would also be able to see when there is a complaint related to one of their poles. All parties having this information on complaints should help in prioritizing double pole removals and would provide all entities on NJUNS with community feedback that should be addressed in a timely way. The Department would also have a window into whether complaints are addressed and the timeframe for doing so.

4. Penalties

The Departments should explore how to hold the utilities, pole owners and attachers responsible for moving attachments that ultimately contribute to meeting the 90-day statutory requirement. It seems clear that the lack of enforcement of the 90-day timeframe for utilities as well as the lack of any incentive for pole owners or attachers to move their attachments in a timely way is a significant part of the double pole problem. Without some kind of penalty and/or enforcement to incentivize compliance with deadlines, that behavior is unlikely to change.³ Similarly, the Departments could also consider some type of penalty for such things as using unqualified workers (e.g. communication attachment worker in power space) and meaningful remedies for pole owners to address unauthorized pole attachments.

5. Conclusion

Accordingly, as discussed above, taken together (1) improvements of the NJUNS database, (2) single visit transfers for the communications space, (3) more efficient pole work by

³ In comments, the MMA urged the Departments to “draft regulations that allow for municipal enforcement of double pole violations including the ability to remove poles, fine pole owners for non-compliance, and require utility companies to address double pole backlogs before new grants of location can be processed.” MMA Comments at 3. The Compact supports the need for enforcement of the double pole violations.

the utilities in the utility space, and (4) some penalty for not removing attachments in a timely manner could go a long way in reducing the double pole backlog. The Compact respectfully asks the Department to investigate these options to reduce the double pole count and to hold utilities pole owners and attachers accountable for moving attachments on double poles.

C. Revision to the Departments' Revised Pole Attachment Regulations.

The Compact also has one recommended change to the pole attachment regulations. The definition of "Attachment" on page 4 of the Departments' revised pole attachment regulations (June 18, 2025) should expressly include street lights. As the Compact noted in its technical session presentation, all Compact Member Towns who own their roadway street lights have pole attachment License Agreements and utilize qualified licensed contractors to perform operations and maintenance of streetlights. Accordingly, street lights should be recognized as an "Attachment" in the Department's regulations.

II. CONCLUSION

The Compact appreciates the opportunity to provide these comments.

Respectfully submitted,

CAPE LIGHT COMPACT JPE

By its attorneys,



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