

Green, Shonda (DTC)

From: Peter McConarty <peter.mcconarty@falmouthma.gov>
Sent: Friday, March 7, 2025 4:43 PM
To: DPU Efiling (DPU); Phillips, Kerri (DPU); Seigal, Scott (DPU); Efiling, DTC; Bendetson, William (DTC)
Cc: Mike Renshaw; Peter Johnson-Staub; Maura O'Keefe; Phyllis Downey; Steven Cadorette; Jim McLoughlin
Subject: D.P.U. 25-10/D.T.C. 25-1 - Inquiry on pole attachments and conduit access on public rights-of-way: Written Comment
Attachments: D.P.U. 25-10 - Memo to state and local officials (1.17.25).pdf; D.P.U. 25-10 D.T.C. 25-1 - Notice (1.17.25).pdf; D.P.U. 25-10 D.T.C. 25-1 - Order Opening Inquiry (1.17.25).pdf; 25-10 25-1 Att. A OriginalMOAandMemo.pdf; 25-10 25-1 Att. B 9th Ext MOA (1.17.25).pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Attached, please find written comments from the Town of Falmouth Public Works Department in regard to: D.P.U. 25-10/D.T.C. 25-1

For state and local entities that manage public ROWs, the Departments include the following questions in the Order:

For routine utility pole and conduit work: How do state and local officials assess and prioritize applications to conduct utility projects on public ROWs in relation to other projects on public ROWs? Are particular types of projects fast-tracked or given higher priority? If so, describe circumstances in which these scenarios would apply: Falmouth Public Works communicates with Eversource on electrical power utility projects and National Grid on gas main utility projects. The Town has contact information for Eversource liaisons and representatives that we have direct contact with for emergency and design related matters. The projects are prioritized according to needs of the public (roadway work, sidewalk installations that require utility pole relocation, shared use paths, etc.). We do not find that projects are fast-tracked, rather projects are scheduled into the work request queue and are performed on a schedule of first come, first serve.

How do state and local officials communicate with pole and conduit owners on needs for larger or higher-priority projects requiring multiple pole replacements, e.g., intersection and/or roadway expansions, addition of bike lanes, etc.? Projects are communicated with our Eversource representatives, and typically, site meetings are performed that include all utility representatives, and the Eversource representatives have the matter reviewed with their engineering division and concepts and preliminary to final cost estimates are created. Ongoing discussions and meetings take place throughout the term of design and construction of projects, and there is communication throughout the project duration.

How do state and local officials review completed utility work for safety, including remediation of safety issues? Identify any common remediation work needed after utility work. The Falmouth Public Works department performs site inspections before, during and at the completion of utility projects to ensure that the utility work is complete. A major item that the Town looks for is the location of utility poles to make sure that they

do not impede sidewalks and allow for required A.D.A. compliance. Double poles are a large concern in Falmouth. Eversource owns the utility poles, and they perform their utility transfers, however, it often becomes difficult and problematic with the remaining utilities that are attached to the utility poles, ie: Verizon, Comcast, Fiberoptic, Open Cape. It often takes an extended amount of time to have the utilities transferred. In our opinion, the amount of time needs to be reduced significantly.

What considerations and/or limitations apply to pole and conduit owners if utility work requires trenching on public ROWs, as well as trenching from poles to local residences and businesses? The Town of Falmouth has an outlined process for adding utility lines. We find that many new developments design their utilities to be underground rather than overhead. New underground Eversource utilities are required to go through a process called a "Utility Pole Hearing" where a hearing is held with a Public Works representative and Eversource. The hearing is open to the public and a recommendation that drafted that is placed on a Select Board agenda for approval. If a larger project is planned, additional steps are taken in addition to a utility pole hearing. Falmouth Public Works typically requires that a full roadway traffic lane is paved after the installation is complete. We typically do not allow a 3' wide trench patch.

1. How does non-routine utility pole and conduit work as a result of storm response and emergency events impact the safety of this infrastructure and affect schedules for routine work on public ROWs? The Falmouth Town Managers office, Police, Fire and Public Works have dedicated Eversource representatives that we work with during storm preparation, active storms, adverse weather conditions, and after storm cleanup. For larger storm events, Eversource has personnel stationed at the Falmouth Emergency Operations Center (E.O.C.) and they are communicating directing with Town staff and relaying matters in real-time. Falmouth has a list of priority sites that require immediate response, ie: Town Hall, Police station, Fire stations, Public Works, water plants, wastewater plants.

2. As the Departments seek to coordinate and facilitate accelerated utility pole and conduit work for broadband deployment projects and clean energy projects, please identify any pertinent scheduling limitations or safety considerations. Additionally, discuss how utility pole and conduit owners can best coordinate with state and local officials. The Town of Falmouth has had numerous meetings regarding broadband deployment throughout Town and how to best perform the installations throughout Town, whether the utilities are installed on utility poles or underground along roadway rights-of-ways. Projects that require underground utility installations are thoroughly reviewed, including impacts during construction, other underground utility conflicts, restoration, and future repairs.

Thank you,
Peter



Peter M. McConarty, P.E., P.L.S. | Director
Falmouth Department of Public Works
416 Gifford Street, Falmouth, MA 02540
P:508.457.2543

From: Phillips, Kerri (DPU) <kerri.phillips@mass.gov>

Sent: Friday, January 17, 2025 3:27 PM

To: tadministrator@ashbyma.gov; tashe@springfieldcityhall.com; tcalter@stoughton-ma.gov; tcarroll@chilmarkma.gov; tegrement@egremont-ma.gov; tkozak@northbridgemass.org; TM@ipswichma.gov; tmazzucco@norwoodma.gov; tmazzucco@town.adams.ma.us; ToomeyK@worcesterma.gov; Graves, Robert (EXT) <town.administrator@hinsdalema.gov>; town.manager@lanesborough-ma.gov; town_administrator@holbrookmassachusetts.us; townadmin@ashfield.org; townadmin@burgy.org; townadmin@hadleyma.org; TownAdmin@Hampdenma.gov; townadmin@hollandma.org; townadmin@millvillema.org;

townadmin@montague-ma.gov; TownAdmin@plymptontown.org; Danielle Fillio <townadmin@richmondma.org>; townadmin@shutesbury.org; townadmin@town.deerfield.ma.us; townadmin@townofchesterfieldma.com; townadmin@townofotisma.com; townadmin@townofshelburnema.gov; townadmin <townadmin@townofsunderland.us>; townadmin <townadmin@westtisbury-ma.gov>; townadmin@whately.org; townadministrator@chilmarkma.gov; townadministrator@clarksburgma.gov; townadministrator@freetownma.gov; townadministrator <townadministrator@leverett.ma.us>; townadministrator@stow-ma.gov; townadministrator@town.orleans.ma.us; townadministrator@town.princeton.ma.us; townadministrator@townofbolton.com; TownAdministrator@TownofChester.net; townadministrator@townofgranville.org; townadministrator@townofhatfield.org; Gibson, Edward (EXT) <Townadministrator@townofsouthampton.org>; townclerk@town.warwick.ma.us; townclerk@townofbernardston.org; townhall.floridamass@gmail.com; townhall@bcn.net; townmanager@amherstma.gov; townmanager@bedfordma.gov; townmanager@eastlongmeadowma.gov; Falmouth Town Manager <townmanager@falmouthma.gov>; townmanager@grotonma.gov; townmanager@longmeadow.org; townmanager@mansfieldma.com; townmanager@sandisfieldma.gov; townmanager@sudbury.ma.us; townmanager@winchester.us; townmanager@wnewbury.org; townmgr@watertown-ma.gov; townofpelham@comcast.net; townofsavoy720@gmail.com; treasurer@townofhawley.com; townadmin@town.buckland.ma.us; townmgr@stoughton-ma.gov; tyounger@town.swampscott.ma.us; vitalec@leicesterma.org; washingtonboardofselectmen@gmail.com; wchenard <wchenard@townofpembrokemass.org>; wendy.johnson@royalston-ma.gov; wmlp@wellesleyma.gov; wsapelli@agawam.ma.us

Cc: Seigal, Scott (DPU) <Scott.Seigal@mass.gov>; Green, Shonda (DTC) <Shonda.Green@mass.gov>; Bendetson, William (DTC) <William.Bendetson@mass.gov>

Subject: [EXTERNAL] - D.P.U. 25-10/D.T.C. 25-1 - Inquiry on pole attachments and conduit access on public rights-of-way

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Today, the Department of Public Utilities and the Department of Telecommunications and Cable (“the Departments”) jointly opened an inquiry to explore utility pole attachment, conduit access, double pole, and related considerations applicable to utility work conducted on public rights-of-way (“ROWS”) in the Commonwealth. As explained in further detail in the attached materials, the Departments request comment and data from a broad range of stakeholders, including state and local entities and officials that manage public ROWs, as well as utility pole and conduit owners as applicable under G.L. c. 164, § 34B and G.L. c. 166, § 25A. Based on the comments and data received in response to this inquiry, the Departments intend to open a rulemaking in a separate proceeding to update our shared regulations, 220 CMR 45.00 *et seq.* Comments and data received may also inform the need for further action by the Departments. The Departments docketed this inquiry as D.P.U. 25-10/D.T.C. 25-1.

The attached documents include the following:

1. Order Opening Inquiry, plus two attachments to the Order involving a Memorandum of Agreement between the Departments;
2. Notice of Filing and Request for Comments (“Notice”); and
3. Memorandum to state and local officials involving the proceeding.

The Departments request comment from interested stakeholders by **March 18, 2025**. Filing instructions are included in the attached materials.

The Department will be issuing multiple emails with the same information in batches to the various interested stakeholders. The Department of Public Utilities will also be sending by first-class mail a copy of the Notice and Memorandum to each municipal lighting plant, Mayor’s office, and Select Board.

For questions relating to this proceeding, please do not hesitate to contact me and the other individuals identified in the attached.

Thank you and regards,

Kerri DeYoung Phillips (she/her)
Counsel and Hearing Officer, Legal Division
Department of Public Utilities
One South Station
Boston, MA 02110
Kerri.Phillips@mass.gov