COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

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 poles, and related considerations applicable to utility work conducted on, public rights-of-way in the Commonwealth	D.P.U. 25-10 D.T.C. 25-01

INITIAL COMMENTS OF MASSACHUSETTS ELECTRIC COMPANY AND NANTUCKET ELECTRIC COMPANY, EACH D/B/A NATIONAL GRID

I. INTRODUCTION

Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid ("National Grid" or the "Company") hereby submit to the Department of Public Utilities (the "DPU") and the Department of Telecommunications and Cable (the "DTC") its initial comments in the above-captioned proceeding.

II. BACKGROUND

On January 17, 2025, the DPU and DTC issued an Order Instituting Joint Notice of Inquiry in this proceeding, pursuant to their own motions to explore utility pole attachment, conduit access, double poles, and related considerations applicable to utility work conducted on public rights of way in the Commonwealth. In this order, the DPU and DTC indicated that "over the next several years, substantial electric distribution infrastructure investments are planned, in part, to facilitate the clean energy transition in the Commonwealth, including the deployment of ROW and pole-mounted electric vehicle supply equipment ("EVSE") to contribute to equitable transportation electrification options. Joint Inquiry, D.P.U. 25-10/D.T.C. 25-1 at 1 (2025). Simultaneously, broadband infrastructure expansion and upgrades are also planned throughout the state. Id.

The DPU and DTC note that both sets of investments requires the timely access and upgrades to a multitude of utility poles and underground ducts and conduit owned primarily by: (1) the state's investor-owned electric distribution companies, (2) the statewide traditional telephone providers, and (3) various municipal light plants ("MLPs"). Id. at 2. Utility pole and conduit work conducted on public ROWs in the Commonwealth must comply with various requirements, including the National Electric Safety Code ("NESC"), requirements established by the Massachusetts Department of Transportation ("MassDOT") and local cities and towns, and those involving collective bargaining agreements applicable to unions for overhead line workers, communications workers, and police officers. Id.

Therefore, the DPU and DTC opened this inquiry and have sought comment, input and data from a broad range of stakeholders on utility pole and conduit access considerations to inform how the existing utility pole attachment, double pole, and conduit access regulations, practices, and requirements established by the DPU and DTC and applicable to utilities should be updated while remaining consistent with various other requirements outside the control of the DPU and DTC. Id. The DPU and DTC have sought comment on: (1) databases considerations for pole and conduit data; (2) whether any pole attachment requirements adopted by the Federal Communications Commission ("FCC") or other states that regulate pole attachments and/or conduit access should be adopted in the Commonwealth and, generally, on how pole attachment processes may be streamlined in the state; (3) amendments to the current MOA and pole attachment complaint process to facilitate joint adjudication by the agencies and, additionally possible alternative dispute resolution options; (4) double pole considerations; and (5) how to facilitate the deployment of ROW and pole-mounted EVSE in the Commonwealth in accordance with the recent directives in An Act Promoting a Clean Energy Grid, Advancing Equity and

Protecting Ratepayers, St. 2024, c. 239. Id. at 3. The DPU and DTC have also encouraged interested stakeholders to present consensus positions. Id. at 37. The Company has reached out to other pole owners in Massachusetts. On some issues, the Company has reached a consensus position with the other major electric distribution company pole owner, NSTAR Electric Company d/b/a Eversource Energy ("Eversource"). These comments are organized into seven sections that correspond to the sections in the Joint Inquiry in D.P.U. 25-10/D.T.C. 25-1. These seven sections are entitled as follows: (A) By the Numbers; (B) Existing Planning and Practices, (C) All Interested Stakeholders; (D) Double Poles; (E) Agency Webpages and Databases, (F) Memorandum of Agreement and Dispute Resolution, and (G) ROW and Pole-Mounted EVSE. In each of these sections, the Company provides responses to the requests for information that were made by the DPU and DTC. The questions are numbered by section.

III. COMMENTS

A. By the Numbers

For questions 1 through 8, as of December 31, 2024:

1. By statewide total and by individual city and town, the number of single and jointly owned poles that your company owns.

   Please see Attachment NG-A-1.

2. By statewide total and by individual city and town, the number of poles that your company owns with conduit attached for wires providing service to local residences and businesses.

   Please see Attachment NG-A-2.

3. By statewide total and by individual city and town, the number of poles that your company owns with streetlights attached.

   Please see Attachment NG-A-3.

4. By statewide total and by individual city and town, the average height of single and jointly owned poles that your company owns.

Please see Attachment NG-A-4.

5. By statewide total and by individual city and town, the total number of attachments on your company's Massachusetts poles by attachment type, i.e., telecommunication, cable television, wireless, pole-mounted EV attachments, etc.

   Please see Attachment NG-A-5.

6. The total miles of overhead lines or wires that your company owns in the Commonwealth and approximately what percentage of those lines are located on public ROWs.

   In Massachusetts, the Company owns 13,890 miles of primary conductor lines and 16,246 secondary conductor lines. This information is as of February 6, 2025, as the system utilized, Snowflake, is only able to provide data as of the date the information is requested. The Company does not currently track whether these locations are public versus private.

7. The total miles of underground conduit that your company owns in the Commonwealth and approximately what percentage of that conduit is located on public ROWs.

   In Massachusetts, the Company owns 5,332 miles of primary conductor conduit and 1,022 miles of secondary conductor conduit as well as 40 miles of underground secondary network as of February 6, 2025. The Company does not currently track whether these locations are public versus private.

8. The pole attachment and conduit access rates charged by your company to wireline (i.e., non-wireless) telecommunications and cable television attachers for each of the past five calendar years through 2024, and to the extent that they have been established, 2025. Please identify with specificity any assumptions and sources, including lines, tabs, and/or page numbers, relied upon.

   Please see the chart below for pole attachment and conduit rates for wired attachments. The rate was calculated using the Massachusetts Formula.

Year	Type	JO	SO	Conduit Per foot
2025	Wired	$11.78	$23.57	$1.18
2024	Wired	$11.11	$22.22	$1.75
2023	Wired	$11.94	$23.88	$1.75
2022	Wired	$9.98	$19.95	$1.75
2021	Wired	$9.58	$19.15	$1.75
2020	Wired	$9.58	$19.15	$1.75
2019	Wired	$6.89	$13.77	$1.75

Please see the chart below for the sources and assumptions used:

Line No	Items	Source/Assumptions
1	FERC Account 190 Accum Deferred Income Taxes	FERC Form 1, Page 110-111, Line 82
2	FERC Account - 281/282/283 Accum Deferred Income Taxes	FERC Form 1, Page 112-113, Line 62 + 63 + 64
3	FERC Accounts 408.1+409.1+410.1+411.4 -411.1 Tax Expense	FERC Form 1, Page 114, (14+15+16+17+19-18)c
4	Total Plant in Service	FERC Form 1, Page 200, Line 8c
5	Depreciation Reserve for Total Plant in Service	FERC Form 1, Page 200, Line 22c
6	FERC Account 364 Poles, Towers, and Fixtures	FERC Form 1, Page 204-207, Line 64 g
7	FERC Account 365 Overhead Conductors and Devices	FERC Form 1, Page 204-207, Line 65 g
8	FERC Account 366 Underground Conduit	FERC Form 1, Page 204-207, Line 66 g
9	FERC Account 367 Underground Conductors and Devices	FERC Form 1, Page 204-207, Line 67 g
10	FERC Account 369 Services	FERC Form 1, Page 204-207, Line 69 g
11	Total Electric Distribution Plant	FERC Form 1, Page 204-207, Line 75
12	Total Electric Plant	FERC Form 1, Page 204-207, Line 104
13	Accumulated Depreciation for Distribution	FERC Form 1, Page 219, Line 26
14	Accumulated Depreciation for Electric Plant	FERC Form 1, Page 219, Line 19
15	FERC Account 182.3, Excess ADIT Assets	FERC Form 1, Page 232, Line 1+2; FERC Form 1F, Page 17, Line 7+8
16	FERC Account 254, Excess ADIT Liability	FERC Form 1, Page 278, Line 1 - 3; FERC Form 1F, Page 20, Line 1
17	FERC Account 593 Maintenance of Overhead Lines Expense	FERC Form 1, Page 320-323 149b
18	FERC Account 594 Maintenance of Underground Lines Expense	FERC Form 1, Page 320-323 150b
19	FERC Accounts 920 - 935 Administrative Expense	FERC Form 1, Page 320-323 line 197(b)
20	Annual Depreciation for Poles	Rate Case Order DPU 23-150 order, page 227
21	Annual Depreciation for Conduits	Rate Case Order Per DPU 23-150 order, page 229
22	Average Pole Hight	the Company's Geographical Information System ("GIS")
23	Number of Pole Equivalents	the Company's Geographical Information System ("GIS")
24	Appurtenance Rate	Power Plan System
25	Assumed Cable Attachment Space (in feet)	1 foot
26	Pole Unusable Spece	24 feet
27	1 Duct	1
28	No. of Inner Ducts	2

9. Identify and discuss any differences in rates charged to attachers on jointly owned poles or other differences due to type of attacher, region, etc.

   The Company bills annual attachment rates for 12 inches of space. Municipalities are entitled to 1 cable attachment (12 inches of space) per pole, within their municipality, at no cost. These attachments should be applied for and licensed in accordance with a signed Municipal Attachment Agreement with National Grid. The table below is a list of 2025 current attachment rates. Wireless attachments and EVSE equipment is billed based upon the amount of space the equipment occupies on the pole, which is typically 6 feet.

Type	Metered Y/N	Annual Flat Rate	Sole Owned	Joint Owned
Cable Rate	N	N/A	$23.57	$11.78
Municipal Fiber*	N	N/A	$23.57	$11.78
Wireless Antenna	Y	N/A	$141.42	$70.68
Public e.g. Cameras	Y	$23.57	N/A	N/A
Private e.g. ISP	N	N/A	$47.14	$23.56
Conduit / Duct Footage	N	$1.18 per foot	N/A	N/A
Power Supply	Y	N/A	Meter Only	Meter Only

10. If the company's attachment and/or conduit access rates have not been updated in the past five years, explain why.

    The Company has been focusing on wired attachment rate calculation because there has been significant pushback from attachers on the yearly rate increases. The Company has updated the Conduit rate for 2025 and will continue yearly calculations going forward.

11. Confirm whether your company charges attachment and conduit rates utilizing the Massachusetts Formula. See D.P.U. 19-76-A/D.T.C. 19-4-A at 16-17 (discussing the history of the Massachusetts Formula and the data to be used). If your company charges pole attachment and/or conduit access rates that differ from those that would apply using the Massachusetts Formula, explain why and provide a comparison of the current rate(s) charged versus the applicable rates calculated using the Massachusetts Formula.

    The Company charges attachment and conduit rates utilizing the Massachusetts Formula.

12. For poles that are jointly owned, discuss how attachment rates are billed to attachers, e.g., direct billing to attachers by each pole owner or some other method.

    Jointly owned poles are billed to attachers through direct billing by each pole owner. Attachers are billed for the year ahead for all licensed attachments as of the previous calendar year.

13. The rates charged by your company to wireless attachers for each of the past five calendar years through 2024, and to the extent that they have been established, for 2025. Please explain how wireless attachment rates are calculated and identify any sources and assumptions relied upon.

    The rates charged to wireless attachers has remained constant at $56.60 for both joint owned and sole owned poles for each of the past five calendar years through 2024. The rate was recalculated to $141.42 on sole owned and $70.68 on joint owned for 2025. Wireless attachment rates are calculated based on the wired rate calculation and the amount of space occupied on the pole, which is typically 6 feet.

14. The rates charged by your company to pole-mounted EVSE attachment providers for each of the past five calendar years through 2024, and to the extent that they have been established, for 2025. Please explain how pole-mounted EVSE attachment rates are calculated and identify any sources and assumptions relied upon.

    The rates charged to pole-mounted attachers for the past 5 calendar years has remained constant at $117.30 for sole owned poles and $58.65 for joint owned poles for each of the past five calendar years through 2024. The rate was recalculated to $141.42 on sole owned and $70.68 on joint owned for 2025. Pole-mounted attachment rates were calculated based on the wired rate calculation and the amount of space occupied on the pole, which is typically 6 feet.

15. The accounting method relied on by your company in calculating your existing pole attachment and conduit rates (e.g., Generally Accepted Accounting Principles versus Uniform System of Accounts). See D.P.U. 19-76-A/D.T.C. 19-4-A at 16-19; Accounting Practices and Recordkeeping of Telecommunications Carriers, D.T.C. 18-3, Notice of Proposed Requirements and Further Request for Comment at 2-3, 11-13 (2022).

    The Company's current pole attachment and conduit rates are based on the financial information reported on FERC Form No. 1 and 1-F which conform with the accounting requirements of the Federal Energy Regulatory Commission as set forth in its applicable Uniform System of Accounts.

B. Existing Planning and Practices

1. Describe how the company conducts each of these processes for enabling pole attachments and conduit access for prospective attachers and what is required to move to the next stage of the process.

Please see Attachment NG-B-1 for the Third-Party Application and License Process.

Application Intake

Prospective attacher submits an application through Smartsheet in which they request to attach to National Grid owned distribution poles.
TAG issues a "survey and design" invoice to said attacher. Once payment is received, the application is processed and assigned to one of National Grid's design MSA's.

Please see Attachment NG-B-2 for the Application Submittal Process.

Field Survey

Design MSA reviews the application, strand map and other supporting documents to verify the pole locations to be surveyed. A surveyor from that company then goes to the field to collect data from the poles the prospective attacher applied for.

Once all poles have had data collected by the surveyor, the data is transmitted and processed and handed off to a designer.

Preliminary Design

Based on the data collected on the applied for poles, a designer will go pole-by-pole reviewing existing attachment heights to determine if any make ready will be required by National Grid, Verizon Telephone and any other existing attachers.

When all poles on the application have a preliminary design, a version is sent to Verizon Telephone's Design MSA (Pike Engineering) to review and reconcile any proposed make ready on jointly-owned poles.

TELCO Make Ready Reconciliation/Concurrence

Both Design MSA's (on behalf of National Grid and Verizon Telephone) revise make ready proposals on jointly-owned poles ensuring both parties are able to successfully complete the proposed make ready required of them.

Once an agreement has been reached by both parties on what make ready construction will be required, that is then considered the "Final" Design.

GIS Design

National Grid's Design MSA takes a copy of the "Final" Design and creates a construction copy within GIS (Smallworld). Any and all documents required by

Operations Crews are compiled and submitted into STORMS for crews to reference for the required make ready construction.

When all documents have been completed, compiled and uploaded to STORMS, the Design MSA then assigns that work request to the External Distribution Design Supervisor to review and give final approval on behalf of National Grid.

Design Review/Approval

The External Distribution Design Supervisor reviews the proposed designs for each of the pole locations, along with all of supporting documents to ensure that the proposed work is viable, accurate, and poses no safety risks/concerns. If the job is not approved, the work request is reassigned back to the Design MSA to complete any revision requests/updates that are required.

Once the design and supporting documents are Approved, the External Distribution Design Supervisor will reassign the work request to the Telecommunications Attachments Group (TAG) to issue the B2 Make Ready Authorization Form.

B2 Issuance – Customer Agreement to Pay

The Telecommunications Attachments Group (TAG) issues a B2 Make Ready Authorization Form along with a copy of the "Final" Design for the prospective attacher to review. During this stage, the attacher can remove high-cost locations, challenge why certain make ready is required at specific locations, or cancel poles that are no longer required.

When the applicant agrees to the cost provided on the B2 Make Ready Authorization Form, they will sign it stating that they intend to submit payment and return it to TAG at National Grid.

Make Ready Quote

The Telecommunications Attachments Group (TAG) issues a Make Ready Quote in the amount that was agreed upon from the copy the attacher signed and returned.

Once the payment has been received, the application progresses to the construction portion of the process.

Resource Coordination/Pre-Construction Check

After receiving the MR Payment, the work request is reassigned to Resource Coordination. In this stage of the process, the coordinator will schedule a pre-

construction check to review the proposed work. After the review is complete, the job gets put onto the schedule with a start and end date for the construction to be completed. Any forestry, permitting and outage coordination required before construction starts is also handled at this stage in the process.
Once all of the coordination items have been completed and scheduled, the work request will be placed into queue to have the make ready construction completed.

Make Ready Construction

Either internal/external construction crews are utilized (based on the amount of construction hours required) to complete the make ready construction required from the "Final Design".

When construction is complete, the job is reassigned back to the Telecommunications Attachments Group (TAG) to issue the License to attach.

Licensing

The Telecommunications Attachments Group (TAG) issues the License to the prospective attacher granting them permission to add their new attachment to the list of poles from the "Final" Design.
Process is then complete.

2. Describe any processes or resources for proactively facilitating future attachment requests prior to receiving an application.

The Company begins the process of facilitating future attachment requests prior to receiving applications by verifying a valid agreement is in place, requesting details on the size and scope of the project, including timelines and prioritization of anticipated cities/towns to work efficiently through the project. A thorough review of existing applications to see if there is work in the pipeline in the desired areas takes place, in addition to working with our joint pole owner and design firms to align resource capabilities and determine the maximum amount of poles per month to which we can commit. In addition to these steps, the company schedules bi-weekly meetings with the customer to shepherd them through the application process and discuss a recommended approach to future application submissions.

3. Describe the types and calculation of costs associated with each stage of the process charged to applicants.

Please see the chart below describing the types and calculation of costs associated with each stage of the process charged to applicants.

Stage	Cost Type	Description
Agreement	Agreement Fees	$400 per agreement (Wired/Wireless/Conduit/Camera/EV)
Intake	Application Fee	$320 per application for up to 125 poles
Intake	Survey	Cost based on the number of poles multiplied by the survey fee charged by each Design firm
Make Ready	Billable Electric Make Ready	Cost estimate based on current material and labor cost units from the STORMS system
Design	Pole Loading Analysis	$35.94 per pole, when applicable
Design	Make Ready Cost Estimate Components	Total costs for design, billable make ready, permits, police detail, forestry, and other costs
Design	Design Review Fees	$4.02 per pole
Design	Design Admin Fee	$67.07 per pole with make ready
Design	Construction Support	Per pole cost: $291.48 for complex make ready, $97.16 for simple make ready
Construction	Forestry	Tree/vine trimming as determined by National Grid Forestry Review
Construction	Police Detail/Flagger	Cost based on the number of hours required for pole detail per project
Construction	Billable Outages	Estimated costs for each individual outage
Construction	MADOT/DCR/Railroad Permit Fees	Cost based on hours to draft permit multiplied by design MSA fee, plus agency-specific fees
Construction	Other	Miscellaneous costs associated with Swamp Matting, Civil work/trenching , Clean Harbors, Non-Typical equipment/Cranes, etc.
Post-Construction	Annual License Fee	Annual Attachment fees for occupancy , varies based on attachment type

4. What is the average timeline associated with each of these processes? What are the reasons for these timelines? How or why may these timelines be affected?

   The Company strives to align with the FCC Timelines shown in the chart below. These timelines can be affected by large applications, permitting delays, joint owner delays with reconciliation, extreme weather, mutual aid, resource constraints, overlapping work, customer requesting redesign to reduce make ready costs, tree trimming or outages required, redesign needed due to customer delays in decision to proceed with work are among the many reasons timelines could be impacted.

	Phase	Enhanced Non One Touch Make-Ready Rules (2024)				
Process	**↓ Process Step / Application Type →**	CATV (Comm Space)	CATV (Power Space)	Large App.	Large App. (Power Space)	3,000+
Application	review / determine application is complete	10*	10*	10*	10*	
	review resubmitted application for completeness	5*	5*	5*	5*	
Survey & Make-Ready (M-R)	grant or deny a complete application / complete survey	45	45	60	60	negotiable
	provide M-R estimate after completing survey	14	14	14	14	negotiable
	for attacher to accept M-R estimate / make payment	14	14	14	14	negotiable
	to complete M-R work	30	90	75	135	negotiable
	additional days to complete Power Space M-R work	0	15	0	15	negotiable

5. Discuss whether your company's affiliates, if applicable, utilize OTMR practices in other states or jurisdictions. If so, summarize by affiliate name and state applicable federal or state law(s) and regulations and the affiliate's OTMR processes, including those applicable to simple and more complex make-ready work, and describe the average timeline in the jurisdiction for pole attachment and conduit access application, survey, and make-ready work. If the average timelines differ from any applicable regulatory requirements, discuss why.

   The Company's New York affiliate, Niagara Mohawk, does not utilize OTMR practices. The Company's collective bargaining agreement prohibits OTMR type practices.

6. Explain whether and how the company utilizes the NJUNS database for each of these processes.

   The Company utilizes the NJUNS database to manage the double pole transfer process. NJUNS data is used to notify attachers of overdue transfers, remediate disputes, and monitor completion of required transfers prior to new attachments.

7. Does your company limit the number of poles permitted per application? If so, discuss why and identify the limit.

   National Grid limits the number of poles permitted per application to 125. This cap was created so that the Company can process these applications within a timely manner. The more poles that are submitted at the same time by an applicant, the greater the amount of time is needed to complete their application(s). Also, a limit is necessary so as not to affect other electrical work required for electric customers.

8. Are there any considerations that the Departments should be aware of for large versus small pole attachment applications?

   The Departments should consider advanced lead time and longer timelines for large pole applications. In today's landscape, pole attachers are requesting large broadband rollouts which can range from 7,000 poles to excess of 40,000 poles. These sizable projects are not conducive for the strict timelines established for smaller projects. Pole attachers submit hundreds of applications per week and often request to review the

designs in their entirety prior to making a decision to proceed, based on make ready costs. This indecisiveness drives timelines higher and make it difficult to order materials and plan for construction reviews ahead of scheduling, and holds up work in the pipeline for other attachers who are certain to proceed with their (smaller) projects. Our design firms are not always staffed to accommodate such large projects and often need to hire and train new employees to handle the work volumes.

9. Explain NESC considerations and identify applicable NESC rules for municipal, telecommunications, cable, and pole-mounted EV attachments (e.g., climbing space, spacing between attachments, weight on poles, etc.).

   The National Electrical Safety Code ("NESC") provides basic guidance for minimum clearances to protect utility workers and the public from electrical hazards. Key rules for attachments focus on worker safety (minimum approach distance, communication worker safety zone, ground clearance, proper bonding), pole integrity (load analysis, spacing, weight), and operational considerations (climbing space, pole-mounted EV attachments). Here are examples of pertinent rules in the NESC:

   Rule 234: Requires sufficient climbing space for safe access.
   Rule 235: Outlines spacing between attachments to prevent interference.
   Rule 220: Addresses pole loading; total load must not exceed strength rating.
   Rule 232: Specifies minimum heights for attachments (e.g., communication attachments must be at least 15.5 feet above ground).
   Rule 214: Ensures poles can withstand loads, including wind and ice.
   Rule 250: Proper grounding and bonding to prevent hazards.

   Please see Attachment NG-B-3

10. Are there any differences in processes and needs based on the roadway's speed limit and/or roadway type (e.g., state road versus local road, rural versus urban road, etc.)? If so, please describe those differences, identify state laws and municipal ordinances applicable within the company's service territory, and provide copies of the language of those state laws and ordinances. If your company's service territory exceeds twenty cities and towns, please provide a sampling of applicable municipal ordinances in at least twenty municipalities representing a mixture of urban, suburban, and rural areas.

    Yes, there are differences in processes and needs based on roadway speed limit and type. Pole installations and removals within the right-of-way of a Massachusetts DOT highway require a Highway Access Permit. Also, Temporary Traffic Control Plans for the permit will differ based on roadway type. Roadway speed limits, traffic volumes, and slopes influence utility facility placement. Utility work must also comply with the Massachusetts Amendments to the Manual on Uniform Traffic Control Devices (MUTCD) and the Standard Municipal Traffic Code. State flagging procedures are also regulated. Municipal ordinances affect processes and permit submissions. New structures in municipal rights-of-way require town approval. Certain municipalities have specific ordinances related to poles and wires that influence placement and

maintenance. Local environmental regulations differ by town, with various requirements for permits and notifications. Tree trimming or removals may need local tree warden approval, and work on scenic roads may require extra approvals. Additionally, traffic volumes and noise ordinances may influence construction hours.

Relevant state laws and regulations include:
Highway Access Permit: M.G.L. c. 81, §21 and c. 85, §2
Utility Work Compliance: US DOT MUTCD
Flagging Procedures: 701 CMR §7.06 and §7.07

11. Are there any cities or towns in your company's service territory with neighborhoods or areas in which service is provided entirely through underground conduit, i.e., no overhead lines or utility poles on public ROWs? If so, identify any applicable cities and towns to which this applies, and provide a sampling of any applicable municipal ordinances.

    There are no municipalities where service is provided solely through underground. Conduit. In National Grid's service territory, Worcester and Nantucket have the most UG distribution by mileage. Manchester, Nantucket, and Worcester have the highest percentage of distribution feeders that are underground.

12. When/how does your company utilize internal, collective bargaining employees versus third-party contractors for conducting any stage of this work?

    The Company utilizes internal, collective bargaining employees versus third-party contractors for construction when the platform has the resources & equipment to complete the work.

13. Describe how your company ensures safe, efficient make-ready practices when utilizing third-party contractors for utility pole and conduit access work.

    The Company's third-party contractors completing make-ready work are union trained which meets or exceeds OSHA 1910.269. The company's supervisors and safety personnel visit our sites routinely ensuring that our contractors are working safely and efficiently. The company documents our safety observations through effective safety discussions, capturing both positive interactions and areas for improvement. Finally, the company holds regularly scheduled meetings with the contractors to discuss their projects' progress which is communicated to both internal and external project stakeholders.

14. If your company's affiliates perform OTMR in other states or jurisdictions, describe the role of third-party contractors and organized labor in performing OTMR in each such state or jurisdiction.

    Not applicable.

15. Explain whether your company allows temporary attachments and, if so, describe your company's procedures for attaching and replacing temporary attachments.

    The Company generally disfavors temporary attachments. However, under certain circumstances, temporary attachments may be utilized such as when a municipality has a need to temporarily attach or move their wires for construction projects, or other emergency circumstances. The Company follows the same application process and licensing procedures for temporary attachments that it follows for permanent attachments. Temporary attachments are typically only granted when there is no make ready required, the joint pole owner concurs, and the attachment is time limited. The attacher's contractor is responsible for attaching and removing temporary attachments.

16. Discuss whether your company's affiliates operating in other jurisdictions allow temporary attachments. If so, describe each affiliate's procedures for attaching and replaying temporary attachments.

    The Company's New York affiliate, Niagara Mohawk, disfavors temporary attachments. However, partially as a result of regulatory mandates, Niagra Mohawk offers temporary attachments in narrow circumstances on a case by case basis. The joint pole owner must agree to the attachment, and attachments must be placed according to NESC and National Grid standards. Furthermore, attachments must be made permanent within a negotiated but limited number of days. The attacher's contractor is responsible for attaching and removing temporary attachments. Note that the pole attachment regulatory regime in New York and Massachusetts are very different so that comparing the two jurisdictions may not be appropriate or particularly helpful. See Attachment NG-B-4.

17. How are attachment and conduit access applications and associated work prioritized and placed in order of queue of company and other attacher projects?

    Attachment and conduit access applications and associated work is categorized as customer work. Customer work is prioritized and placed in queue for scheduling in the order received. Resource planning and scheduling maintains the balance of the workplan, and prioritizes customer work as it becomes ready to schedule, after the customer pays the associated make ready cost. Emergency and reliability work takes precedence over all other work, as maintaining a safe and reliable system is paramount.

18. Discuss how and why attachment and conduit access applications and associated work may be reprioritized or delayed.

    Attachment and conduit access applications and associated work may be reprioritized or delayed for many reasons. Permitting delays, weather conditions, personnel illness, storm restoration, materials shortage/availability, pandemics, police detail/flagger availability, overlapping work, changing field conditions, machinery breakdown/availability, safety stand down, mutual aid assistance, and environmental concerns are among the many reasons work may be reprioritized or delayed.

19. Discuss whether and/or how the scheduling of pole attachment and conduit work may be impacted by other projects on ROWs.

    Scheduling of pole attachment work could be impacted if other projects are in flight in the same area, the town or other entities, such as the DOT is doing work. Pole attachment and conduit work is designed based upon completion of inflight projects. Work is placed in queue for scheduling and resourced when all appropriate easements, permits are obtained for work in a ROW.

20. Explain whether and how your company coordinates planned company projects with companies submitting applications for a small number of poles versus applications for a large number of poles.

    The Company coordinates planned company projects with attachers on a nondiscriminatory basis. Customer work is prioritized and integrated into the work plan together with company projects.

21. Explain whether and how your company coordinates attachment project work with other attachers, pole owners, and municipal and/or local officials, as applicable.

    The Company coordinates attachment project work with other attachers by fact finding project scope, planning internally, collaborating with our joint pole owner, and with attachers, without disclosing proprietary project details, to ensure level throughput for all attachers. The Company also coordinates with municipalities and local officials through town hall meetings to discuss upcoming projects and obtain necessary permissions, easements and permitting required for construction.

22. Explain whether attachment applications are more easily accommodated during a particular time of year, e.g., summer versus winter months. If so, discuss why.

    Seasonality does not have a direct impact on attachment applications. Attachment applications are more easily accommodated when the customer provides advanced notice of their projects and sets realistic timelines.

23. Explain circumstances when your company or a requesting attacher may move attachments owned by other attachers.

    A requesting attacher may move attachments owned by other attachers if they have a mutual agreement. The Company may move attachments owned by other attachers if the attacher is unauthorized or does not conduct timely transfers.

24. Explain how your company derives survey and make-ready costs. As part of this response, identify factors that may increase such costs, explain how these costs are communicated to entities requesting to attach, and discuss how cost disputes are typically resolved.

Survey costs are determined through a contractor bidding process based on the type of attachment and calculated on a per-pole basis. Disputes regarding survey costs are managed between the third-party attachment group and applicants, typically via email or scheduled meetings.

Make-ready costs are established when the job is created in the STORMS work management system. Each unit of material is assigned a cost, either for labor or materials, contributing to the make-ready estimate, which includes:

- Administrative Fees (Based on poles in the application)
- Pole Loading Analysis (Based on the number of PLAs per application)
- Contractor Construction Support (Design) (Hourly tasks or unit-based rates)
- Vegetation Management (Estimates from Forestry)
- Police Detail (Based on hours required at a location)
- DOT Permitting (Hourly cost for completing the permit, plus permit fees)
- Environmental Permitting (Hourly cost for completing the permit, plus permit fees)
- Railroad Permits (Hourly cost for completing the permit, plus permit fees)
- Outage Coordination (Flat rate based on outages per pole)

Cost estimates are shared via email throughout the application process. Make-ready costs may increase if any of the identified tasks are required. Disputed make-ready costs are referred to the third-party team, who will coordinate with the design/engineering group and the joint pole owner for case-by-case reviews.

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25. Explain how your company distinguishes between routine versus emergency utility pole and conduit work.

    Emergency utility pole and conduit work is work designed to address a situation that presents a risk of imminent harm or compromises system reliability. Routine maintenance is ongoing work. It is categorized by level of severity and repairs are planned based upon the potential impacts to system reliability. Safety concerns discovered during routine maintenance are reprioritized as emergency work.

26. Explain in detail practices and planning associated with non-emergency pole replacements. Include in this explanation a discussion of the factors your company considers when deciding whether a pole needs to be replaced (e.g., age, updates to or replacements of other distribution infrastructure and/or clean energy work, accommodation of attachment requests, NESC considerations). Also explain when and how often your company conducts routine inspections for structural integrity and other relevant factors for company-owned poles.

    Non-emergency pole replacements are determined during the design engineering process for all types of work. When a job is designed, whether a pole replacement would be required is determined based upon the work being requested. The field survey would determine attributes of the pole including condition, age, weight bearing capacity, available space, pre-existing conditions such as rot or NESC violations. Based on the

engineering assessment, it would be determined if a pole replacement was necessary to accommodate the work being designed. The designer would plan for identified pole replacements in the design and identify the appropriate height and class of the new pole to be installed. This practice would apply to all work being designed including reliability enhancements, system improvement, residential, commercial, distribution generation, clean energy, pole attachments or capital projects.

The Company has an inspections department that inspects for structural integrity and other relevant factors for company-owned poles in Massachusetts on a five year cycle, 20% of the assets per year. Fault levels are recorded as Level 1 (imminent danger) and Level 9 (temporary repairs) as described in NGrid EOP D004. Level 1 faults require replacement within 30 days and Level 9 faults require replacement within 90 days.

27. Discuss the circumstances under which your company allocates the costs of pole replacements to attachers.

    The Company allocates the costs of pole replacements to the attacher when the pole does not have sufficient space to accommodate the new attachment request. If a pole needs replacement for other reasons, such as, a pre-existing condition, the company pays for the pole replacement costs. In circumstances where other attachers can move their wires to create needed space for a new attacher, the company eliminates the need for a new pole set.

28. Explain any differences in non-emergency pole replacements when alternative attachment techniques (e.g., opposite side attachments) are present.

    NESC climbing space and minimum overlap space rules restricts the ability of communication and lineworkers to climb a pole with opposite side attachments, which impedes pole replacements. Backside attachments will require additional equipment to enable the new pole to be "threaded" between the attachments on either side of the existing pole before it is replaced. This equipment is costly, non-standard, and requires additional crews to operate, which would result in additional cost to electric customers for non-emergency pole replacements, increased restoration times, and further considerations to ensure the safety of communication and line workers.

29. Explain how your company tracks, at the individual pole level, routine versus emergency work, pole replacements, and attachments (e.g., NJUNS, internal databases, other).

    The Company tracks work in a work management system called STORMS. There are various job types that identify the different categories of work, which is then utilized to prioritize scheduling needs at the project level, including asset replacements, emergency work, capital and system improvement, reliability and third-party attachment projects. Pole replacements associated with this work are tracked in NJUNS, ensuring transfers are completed and double wood is removed.

30. Explain how your company tracks, at the individual pole level, costs associated with routine versus emergency work, pole replacements, and attachments (e.g., NJUNS, internal databases, other).

The Company tracks costs associated with the work in a system called Power Plant. There are various blankets/funding numbers that identify the different categories of work, which are then utilized to manage the workplan and budget at the project level, including asset replacements, emergency work, capital and system improvement, reliability and third party attachment projects.

31. For routine versus emergency utility pole and conduit work, explain the process(es) and policies used by your company to select and/or rely on third-party contractors versus internal, collective bargaining employees.

Routine and emergency utility pole and conduit work is assigned primarily to internal, collective bargaining employees. The company relies on third-party contractors for large capital project work, 3rd party attachment work, and storm restoration.

C. **Interested Stakeholders**

1. Please suggest and discuss in detail ways to streamline the pole attachment and conduit access process for attachers in Massachusetts. Suggested redline edits of 220 CMR 45.00 are welcome.

The current Massachusetts pole attachment and conduit access process for attachers has generally operated well. It has properly balanced the needs of pole attachers for timely and cost-effective access to poles with the needs of electric distribution companies, who own the poles, to ensure the reliability of the electrical system, safety of the public and those working on electric wires as well as to minimize costs to electric customers. Under the current Massachusetts pole attachment process, every municipality served by the Company has access to at least 2 broadband providers. In some municipalities, customers have access to up to 7 broadband providers. Therefore, the current Massachusetts pole attachment process has not hindered the widespread deployment of broadband in Massachusetts. See Attachment NG-C-1

Furthermore, the current Massachusetts pole attachment rules have been in place for many years without significant disputes with any pole attacher, with one exception. See D.T.C. 22-4. Even in that proceeding, Westfield Gas and Electric Light Company ("WG&E"), a neutral third-party not involved in the dispute, indicated that in its "experience with National Grid regarding pole attachments," WG&E "found National Grid's process to be fair and has resulted in equitable cost allocation based on its current pole attachment policies" (WG&E Initial Comments, at 2). Also, in negotiations over make-ready work, WG&E indicated that "in each instance the parties were able to reach resolution for pole attachment configuration where there had been disagreement on cost or pole space" (id.).

Nonetheless, because the Company recognizes that any long-standing process may have aspects which can be improved, the Company will suggest some ways the pole attachment process can be improved. To specifically reduce the amount of time needed to process a pole application, the Company has two recommendations. First, currently, Verizon takes between 45-90 days to review and concur to the make-ready designs and estimates recommended by the Company. The lengthy reconciliation process with the joint pole owner impedes the Company's ability to meet expected design timelines for the attachers and could potentially be reduced. Second, currently, the Company and Verizon have separate surveys performed when an attachment is requested. The Company's survey examines the power space while Verizon's survey examines the communications space. The amount of time needed for the pole attachment process could be reduced if instead of two surveys being performed at different times by two different companies, one survey could be performed by one company with the expertise needed to review both the communication and power space on the pole. In the alternative, if two surveys are to be conducted, they could be performed jointly at the same time.

To make the pole attachment process operate more efficiently, the Company has four recommendations. First, the pole attachment process can be made more efficient if pole attachers were limited in the number of poles they can seek to attach at one one time. Recently, for National Grid, one pole attacher filed applications seeking to attach to 40,000 poles. This is not practical or appropriate. In its pole attachment agreement, National Grid limits the number of pole attachment requests to 125 poles per application and 100 applications per month. The FCC considers large pole attachment applications to be 3000 poles or more. Very large pole attachment application requests strain the resources of the Company and may cause delays for applicants and other pole attachers who have pole attachment requests, which are more manageable in size. There should be some limit to how many pole requests can be made every 30 days.

Second, pole attachers should be penalized if they utilize unqualified workers. When attaching to a pole, communication pole attachment workers can only operate in the communication space. They are strictly prohibited from working in the power space. Unfortunately, at times, in the process of placing an attachment in the communications space, these unqualified workers encroach into the power space which presents unacceptable safety and reliability risks and often results in attachments that do not meet applicable standards. The process of correcting these errors is time consuming for the Company. Pole attachers should be penalized financially if their attachment is placed in the power space without authorization and/or by workers not qualified to work in the power space.

Third, the Company should be allowed time to engage in a post construction inspection before issuing a license to attach. This inspection would ensure that all the attachments are properly placed on the pole. By withholding the issuance of the license until the pole attacher has properly installed its attachment, future compliance issues could be avoided.

Fourth, pole owners should have express meaningful remedies to address unauthorized pole attachments. Unauthorized pole attachments inherently slow down the pole attachment process for other pole attachers who comply with applicable agreements and legal requirements. Unauthorized pole attachments not only slow down make-ready work, but also create safety issues. Currently, removal of unauthorized pole attachments requires pole owners to engage in costly and time consuming legal process. Pole owners should be granted remedies to address unauthorized pole attachments, including but not limited to removal.

2. Are there any limitations under existing state law or practices, or any conflicts between FCC requirements and G.L. c. 166, § 25A, and other state laws, that may preclude adoption of pole attachment requirements similar to those adopted by the FCC in 47 CFR Subpart J?

Due to the time constraints and the broad scope of the information requested by the Departments in its Order, the Company has not had sufficient time to review all state laws for any potential conflict with 47 CFR Subpart J. With that stated, at the outset, the Company would note that in 1978, through G.L. c. 166, § 25A, the Massachusetts General Court opted out of FCC regulation for its pole attachments. For nearly fifty years, Massachusetts policymakers have guarded its regulatory autonomy from federal encroachment as to pole attachments. By opting out, Massachusetts policymakers decided that Massachusetts regulators, rather than federal regulators, were in the best position to decide what pole attachment regulations should apply in Massachusetts. Furthermore, although legislation has been introduced for Massachusetts to adopt FCC pole attachment regulations, the Massachusetts General Court has not adopted this legislation. If the Departments were to adopt or incorporate FCC regulations, it would implicitly reverse the decision made the Massachusetts General Court to opt out of FCC regulations. Therefore, in general, the wholesale adoption of FCC pole attachment regulation would be inconsistent with the legislative intent of G.L. c. 166, § 25A.

As to specific provisions of the FCC regulations, there are at least two aspects of the FCC regulations that are inconsistent with the express language of G.L. c. 166, § 25A. First, the FCC regulations permit pole attachers to engage in self-help remedies by making attachments to poles if various strict timelines are not met. However, G.L. c. 166, § 25A specifically states: "No attachments shall be made without the consent of the utility to the poles … necessary to sustain, protect, or operate the wires or cables of any lines used principally for the supply of electricity in bulk." Pole attachers engaging in self-help remedies would mean attachments would be placed on the Company's poles without its consent. G.L. c. 166, § 25A does not permit self-help remedies for poles that have electric power lines. The Massachusetts General Court did not want pole attachers to put at risk, in any way, the reliability of the electric system. The Company and other electric "distribution companies are responsible for providing … reliable service to customers," and have "public service obligations in terms of providing safe, reliable … service to customers." Massachusetts Electric

Company, d/b/a National Grid, D.P.U. 18-150, at 53, 122 (2019). The Company cannot delegate to others the ability to make decisions which could impact the safety and reliability of the electric system. A utility company "may not delegate its responsibility" to others. See Commonwealth Electric Company, D.P.U. 92-3C-IA, at 6 (1995). If a pole attacher's self-help efforts result in reliability failures, the actions of the pole attacher could be imputed to the Company, and the Company could be held ultimately responsible. See Boston Edison Company, D.P.U. 87-1A-A, at 57 (1987). Therefore, the self-help remedies for pole attachers in the FCC regulations is inconsistent with Massachusetts law, specifically G.L. c. 166, § 25A.

Second, the manner the FCC allocates costs for pole attachments may differ in practice from how costs for pole attachments are currently allocated in Massachusetts. G.L. c. 166, § 25A states that a utility will have "recovery of not less than the additional costs of making provision for attachments" to a pole. Consistent with this language, the D.T.E has ruled that "the entity seeking to add the new attachment is responsible for the costs associated with the rearrangement or replacement." Complaint and Enforcement Pole Att. Rulemaking, D.T.E. 98-36, at 44 (2000). More recently, the D.T.C. declared, if the "work would not occur but for OTELCO's new attachment … OTELCO is responsible for the ***full cost*** of the make-ready because OTELCO is the cost-causer, and OTELCO's attachment is the primary reason the work is being completed." D.T.C. 22-4, at 41 (emphasis added). Some have interpreted FCC regulations to suggest that the pole owner should pay for the cost of a pole replacement. See D.T. C. 22-4, OTELCO's Complaint, at 23. Furthermore, it is well established principle of public utility regulation that a public utility, like the Company, cannot be required to absorb costs of unless it "clearly appears" that it acted in bad faith. See New England Tel. &Tel. Co., v. Dep't of Pub. Utils., 360 Mass 443, 483-484 (1971). Therefore, to the extent, the Departments adopt the FCC regulations and then adopt this particular interpretation of the FCC regulations, it would be inconsistent with Massachusetts law, specifically G.L. c. 166, § 25A.

3. Should the Departments adopt requirements involving allocation of unusable space costs consistent with FCC regulation 47 CFR 1.1409? Why or why not?

No. The FCC Telecommunications formula has become unnecessarily complicated and the use of the formula presents billing issues. Over the years, the FCC has added percentages that, based on the "number of attachers" figure used in the calculation, forces the rate produced by the FCC telecommunications formula to equal the rate produced by the FCC CATV formula. Implementing the FCC Telecommunications formula will only cause the pole owners to incur costs to track and bill the attaching entities by company type (i.e., CATV or Telecom) and by town (the FCC Telecommunications formula differs depending on whether the town has a population greater than or less than 50,000).

The FCC CATV and Telecommunications formulas now produce the same rate, therefore, there is no reason to implement it. Additionally, having one formula for all aerial wire-based pole attachments makes the most sense as it should not matter what

type of company is attaching to the pole, if they are paying their fair share to be attached and are not charged different rates for the same types of attachment (i.e., wire-based).

4. Should the Departments adopt timelines for access to utility poles consistent with FCC regulation 47 CFR 1.1411? Why or why not?

   The Departments should not adopt strict timelines for pole attachments consistent with FCC regulations. The current pole attachment process allows for flexibility for both the pole owner and the pole attacher. A rigid or strict timeline for pole attachment process will lead to a number of problems.

   The current flexible pole attachment timelines have operated well for decades. Under the current Massachusetts pole attachment process, every municipality served by the company has access to at least 2 broadband providers. In some municipalities, customers have the access to up to 7 broadband providers. A reason the Company takes a longer period of time to complete a pole attachment application than set forth in the FCC regulations is primarily due to the actions of the pole attachers. For example, delays in the pole attachment process occur when the pole attacher delays acceptance of the make-ready estimates, requests redesigns of the make-ready work, or delays payment of the make-ready work. In the past, the Company has accepted these delays in the pole attachment process as part of a good faith effort to work with pole attachers in completing their projects. If the Departments were to adopt the FCC timelines, the Company would not have the option to be flexible with pole attachers. Instead, the Company would need to strictly adhere to the timeline which would inevitably lead to disputes and litigation. Furthermore, if the pole attacher were to request a redesign, the pole attacher would likely need to refile and begin the pole application over again. Therefore, a pole attachment process with strict timelines would not necessarily be in the best interest of all pole owners and pole attachers.

   Furthermore, a pole attachment process with strict timelines may not be feasible for a number of reasons. First, if a pole attacher requests to attach to a very large number of poles, it may be administratively unfeasible for the Company to process all these requests in a short amount of time. To regularly process huge numbers of pole attachment applications in compressed and rigid time schedules may require the Company to incur more administrative costs, which would eventually be charged in rates to electric customers.

   Second, actions beyond the control of the Company may occur during the pole attachment process which could lead to a departure from a strict timeline. There could be outages due to storms which would necessitate the Company and its contractors to focus on power restoration. There could be delays due to permitting by government agencies such as the Department of Transportation. Also, the process could be slowed if there were unauthorized pole attachments on a pole.

Lastly, under the FCC regulations, the remedy for failure to adhere to the FCC's timelines is to allow a pole attacher to engage in self-help remedies and attach to the pole themselves. This can be problematic. Pole owners are only able to fully ensure the integrity of their poles and conduits if they are able to monitor and control work on those facilities. In particular, as described above, some attachers work in the power space without authorization. Work in the power space should only be performed by the Company's employees or qualified contractors under the supervision of the Company. The Company cannot delegate responsibility for reliability of the electric system to pole attachers.

5. Should the Departments mandate the use of agreed-upon contractors for non-electric attachment survey and make-ready work on poles consistent with FCC regulation 47 CFR 1.1412? Why or why not?

The Company requires the use of the Company's authorized contractors for make-ready work. The authorized contractors on the Company's list are properly vetted and trained to perform work on poles, and have a track record of performing their work in a manner that complies with all safety standards. In contrast, our experience is that contractors not on the Company's list are either not properly trained or have performed work on poles in manner that did not comply with safety standards.

However, the Company does not support the adoption of regulations which would allow pole attachers to engage in self-help remedies, including one-touch-make ready activities or perform their own surveys, particularly in the electric power space. In regards to surveys, there is no indication that the Company's survey company is incapable of performing the survey work in a timely, competent and fair manner as long as attachers are limited to a reasonable number of pole attachment applications. Furthermore, although a contractor can be qualified to perform make-ready work, it may not be qualified to perform survey work, in particular in the power space. In fact, because of its lack of experience in performing survey work in the power space, a contractor hired by the surveyor could actually slow down the survey process, and make-ready determinations.

In regards to self-help remedies in general, there could be risks associated with allowing pole attachers to engage in self-help. In their desire to attach as quickly as possible, pole attachers may direct qualified contractors to engage in activities that are imprudent. In fact, it is unclear why qualified contractors would perform their make-ready tasks quicker or at less cost if they are directed by the pole attacher rather than by a pole owner.

As to one-touch make ready, the FCC regulations indicate that one-touch make ready applies only to "simple" pole attachments. One touch make ready is not permitted for complex attachments, nor should it be. The FCC defines complex attachments as those that require workers to splice wires or relocate wireless equipment. This also includes anything likely to interrupt service or damage existing equipment. Simple make-ready work, as defined by the FCC, is a small category of make-ready work. Allowing for

one-touch make-ready for simple work will not materially decrease the amount of time for the average pole attachment application. In fact, disputes between pole owners and the pole attachers over what constitutes simple work eligible for one-touch make-ready may arise, and slow down the entire pole attachment process. The Company does not agree that Massachusetts should adopt one-touch make-ready. However, if the Departments were to allow one-touch make-ready for simple work, then deadlines should be imposed on pole attachers to ensure that the work is performed in a timely manner shortly after the survey is completed so that field conditions do not change, and that attachers notify pole owners that they are engaging in one-touch make-ready.

6. If the Departments adopt mandatory deadlines for application, survey, and make-ready processes, describe the necessary requirements and other considerations for your company to adhere to these deadlines and identify any exemptions that should apply.

   If the Departments were to adopt mandatory deadlines for the pole attachment process, the Departments must allow for exemptions for (1) events or actions beyond the control of the Company, (2) matters pertaining to safety and electric reliability, and (3) large pole attachment applications. Actions or events beyond the Company's control which would affect the Company's ability to adhere to pole attachment deadlines would include: (1) actions by the pole attacher seeking to attach such as failure to accept make-ready estimates, pay for make-ready estimates, and requests for redesign; (2) actions or omissions of other pole attachers such as their failure to move their attachments as part of the scheduled make-ready process, or removing unauthorized pole attachments; (3) natural disasters; and (4) labor disputes. As for matters pertaining to electric reliability, this would include storm outages, work related to priority reliability projects and work to ensure the overall safety of the distribution system. In regards to large pole attachment applications, there must be a manageable limit to the number of poles that pole attachers can seek to attach to in a given time period. If not, pole attachers will simply submit huge numbers of pole applications with the expectation that the timelines will not be meet and with the hope that they will be allowed to engage in self-help remedies. Also, the Company and its electric customers should not be required to pay for more in administrative costs in order to manage the submission of a large number of pole attachments requests within a specified time period.

7. Should the Departments consider revisions to the Massachusetts Formula applicable to telecommunications and cable television attachers? Why or why not? If so, describe in detail the revisions that should be made and why, and how best to procedurally effectuate those changes.

   Yes. Currently the 40 feet of safety space that is set aside to separate telecommunications equipment from the electric power gain space is considered as "usable space" in the rate calculation. This safety space would not exist if not for the telecommunications equipment on the pole. This safety space should be removed from the rate calculation and the usage factor should be calculated as either (a) 1 Foot of assumed attachment space / 10.17 Feet of Usable space = 9.83% or (b) an adjustment

to the assumed cable attachment space should be made to increase it above 1 Foot to reflect a share of the safety space.

8. Should the Departments consider revising the Massachusetts Formula in relation to the usable space on poles and/or to additional attachments on poles? If so, how should the Departments account for wireless attachments, alternative attachment practices (such as opposite side construction), and pole-mounted EVSE.

   Yes, as explained in the prior answer. However, the Departments should not account for wireless attachments as they have their own rate, separate from aerial wire-based pole attachments. The Departments should also not account for pole-mounted EVSE devices as the Company does not want to them attached to distribution wood poles. Also, the Company does not support boxing.

9. Should the Departments expand the Massachusetts Formula to apply to wireless attachments and pole-mounted EVSE on utility poles? Why or why not? If so, should usable space assumptions and allocations be adjusted for wireless attachments, alternative attachment practices, and pole-mounted EV chargers?

   No. Wireless attachments are fundamentally different than other pole attachments, and have their own separate rate. Most wireless attachments are pole top attachments that are only allowed in certain circumstances (e.g., not above primary facilities). When a wireless attachment is made in this location, it occupies the only space available, which means there can be no other wireless attachments made on that specific pole. As for EVSEs, the Company does not support having EVSEs on its poles.

   Furthermore, as to assumptions, the usable space available on a pole is determined based on a presumption in order to calculate a rental rate. However, in reality, each pole varies based on a number of a different factors. The presumption for the rate calculation should not be altered just because an attachment of a certain type may exist in one particular location.

10. Should the Departments expand application of 220 CMR 45.00 to attachments beyond those owned by telecommunications carriers and cable system operators, e.g., pole-mounted EVSE? Explain why or why not.

    The Departments should not expand the application of their pole attachment regulations to EVSEs. EVSE could complicate and slow down the current pole attachment process by including another pole attacher to consider and coordinate with regarding make-ready work. Therefore, the need to coordinate with EVSE attachers could increase the likelihood of double poles. Also, the EVSE attachment is principally located outside of the usable space for communications attachments, and below Verizon. Therefore, there is not a need to include them in the pole attachment regulations.

11. What standards other than the NESC apply to pole-mounted EVSE?

    The NESC should apply to EVSE. In addition, there are other electrical operational, safety and reliability requirements that may need to be applied or created for EVSEs. EVSEs are at present in their initial stages for deployment, and standards are still being considered and developed to address EVSEs. See Attachment NG-C-2

12. Should the Departments require utility pole and conduit owners to publicly post pole attachment and conduit rates charged, as well as related requirements and policies, applicable to requesting attachments to promote transparency? Why or why not? If so, should the Departments similarly require annual informational filings with our agencies with pole attachment and conduit rate data? If not, explain why.

    The Company does not object to posting on a publicly facing webpage information indicating pole attachment and conduit rates charged, as well as related requirements and policies. However, the Company does not see a need to require annual informational filings with the Department regarding pole attachment and conduit rate data. If the information is provided on the Company's webpage, the Departments, pole attachers and the general public would have access to the necessary information.

13. Explain whether there are specific processes that may improve coordination between joint pole owners in processing attachment applications, such as a single pole application, a single field survey, or a single make-ready estimate.

    As explained in a prior response, the amount of time Verizon needs to review make-ready designs and estimates developed by the Company could be reduced. Also, the Company could accept one survey being performed as long as that survey company had the expertise to review both the communication and power space on the pole. In alternative, if two surveys are to be conducted, they could be performed jointly at the same time.

14. Are there any additional comments or suggestions from interested stakeholders on the matters described in this Section or issues addressed elsewhere in this inquiry? Are there any additional issues that the Departments need to consider and, if so, why?

    The Company would like to take this opportunity to request that the Departments reconsider the boxing policy that was established by the DTC on its own in D.T.C. 22-4. Pole owners should be allowed to have a general policy that prohibits boxing. The Company does not allow boxing except in extremely limited circumstances, and boxing requests are reviewed on a case-by-case basis. The Company does not permit boxing for the purpose of accelerating a construction schedule or avoiding customary make-ready work. Boxing presents clearance and other engineering challenges that impact on safety and reliability. Consequently, boxing is not prevalent on the Company's poles. Furthermore, the FCC and nearly all states generally do not require that pole owners, including electric utilities, allow boxing. Instead, the FCC and other

states have only adopted a non-discrimination standard whereby pole owners are only required to allow third-party attachers to have a pole boxed under the same circumstances that the pole owner would allow itself to box the pole.

The Company's policy related to boxing is based on safety, electric reliability and to reduce costs for customers. The use of boxing techniques will make a pole unclimbable by communication and electric utility workers, frequently making maintenance and restoring service during outages in severe weather difficult. The Company's ability to reach and repair its facilities during service interruptions is critical to restoring power and heat for customers during winter storm emergency events. Boxing requires the Company to use more bucket trucks and more personnel in often difficult and unsafe conditions to perform repairs on boxed poles that could have been accomplished on a non-boxed pole with a single worker climbing a pole. Boxing not only increases the costs of storm restoration, but also increases the amount of time it takes to restore power. The obligation of electric distribution companies to provide safe and reliable electric service, at a reasonable cost, is the cornerstone of public utility regulation in Massachusetts. It should not be set aside for the convenience of pole attachers. Lastly, it should be noted that boxing poles also creates difficulties and increases costs when poles need to be replaced, requiring costly and non-standard equipment. Therefore, in any revision to pole attachment regulations, it should be made clear that pole owners can prohibit boxing and that boxing is only allowed to the same extent the Company permits boxing for itself.

Furthermore, there should be no change in the current Massachusetts policy of charging a pole attacher the full cost of a pole replacement if their pole attachment requires the installation of a new pole. As stated, in D.T.C. 22-4, if the "work would not occur but for" the "new attachment" the pole attacher "is responsible for the full cost of the make-ready." D.T.C. 22-4, at 41.

Lastly, the Company suggests that the Departments allow electric distribution company pole owners to reserve more space on their poles for future electric needs. As the Departments are aware, the electric system in Massachusetts is going through a period of transition due to efforts to address climate change. As a result, there are efforts to increase electrification and promote grid modernization. Electric companies should be allowed to reserve more space on their poles so that there is enough space to accommodate future deployment of electric equipment needed to address increased demands on the electrical system.

D. Double Poles

1. Based on data reported in D.T.E. 03-87, for each of the last ten years through October 2024, please provide separately the total number of solely and jointly owned double poles installed and removed in your company's service territory.

Please see Attachment NG-D-1

2. Identify the total number of double poles in your company's service territory as of December 31, 2024.

   As of December 31, 2024, there were 8,008 open tickets in the National Joint Use Notification System (NJUNS) in National Grid's service territory, signifying 8,008 double poles.

3. Identify the total number of double poles in your company's service territory as of December 31, 2024, that have been in place longer than 90 days from the date of installation.

   As of December 31, 2024, there were 7,140 open tickets in the National Joint Use Notification System (NJUNS) in National Grid's service territory, signifying 7,140 double poles remaining longer than 90 days from the install date.

4. Discuss the different circumstances for why double poles may be installed.

   Double pole installation occurs when a pole is replaced and multiple companies have assets attached to it. These parties can include electric distribution companies, streetlights owned by municipalities, fiber optic companies (municipal or private), cable companies (local access or private), and telephone companies. Each party on a pole is responsible for coordinating the transfer of their own facilities and the transfer of facilities cannot be done simultaneously. Consequently, the pole being replaced must remain until all attachments are transferred. Double poles are installed as a result of both planned work and emergency work, most commonly resulting from mother vehicle hits.

   Poles can be replaced under various circumstances, including emergency work, such as storms or motor vehicle accidents; company-related work, which involves upgrading poles for reliability or maintenance projects; and customer-driven work, such as new solar farms, new poles to accommodate a circuit to a new large commercial facility, or customer service upgrades. Additionally, poles may be replaced due to state or local requests such as when Massachusetts DOT is conducting road widening projects or requests to relocate poles for new sidewalk installations. Lastly, third-party related work may necessitate upgrades to accommodate space for new attachers.

5. Discuss the processes in place to install and remove solely and jointly owned double poles, including discussion of how such installations and removals are prioritized.

   National Grid prioritizes double pole installation and removal based on planned reliability or maintenance work, as well as customer or public works requests. Planned reliability work is tracked using various metrics, such as the worst performing feeder project, while customer-driven work is typically scheduled based on when the

customer needs the site online or when the project must be completed (e.g., road work). In addition, planned work may be delayed due to crew availability because emergency work always takes precedence.

For solely owned poles, removals are conducted in the order of confirmation that the last non-National Grid party has completed their transfer, along with crew availability, with new emergency work taking priority.

6. Provide a detailed explanation for why double poles should be allowed to remain in place beyond 90 days.

   Double poles should be allowed to remain in place beyond the 90-day timeframe for several important reasons related to the complexities of asset transfers and the challenges faced by municipalities and individual customers.

   Many of the open tickets are assigned to municipalities for the next steps in transferring assets, which include fire alarm wires, municipal fiber for residents, schools, fire and police departments, town offices, streetlights, cameras, and street signs. Some municipalities have expressed concerns about personnel limitations if they handle the transfers themselves, as well as budgetary constraints regarding the funds required to hire contractors for these transfers. These challenges can lead to delays in the transfer process, making it impractical to enforce a strict 90-day removal policy.

   Additionally, individual residential customers may be responsible for transferring their service risers. However, many of these customers may not have the financial resources to complete the transfer within the 90-day window. This situation further complicates the issue, as it places an undue burden on individuals who may already be facing financial constraints.

   Moreover, some companies or individuals may attach equipment to National Grid poles without proper authorization or fail to apply for a license before attaching. Identifying these unauthorized attachments can take time, as it requires thorough investigation to determine who has attached to the poles and to notify them of the need to transfer or remove their equipment. This process is often not reflected in National Grid's attachment records, leading to additional delays.

   In summary, the complexities surrounding the transfer of assets, the financial and personnel limitations faced by municipalities and individual customers, the increase of the average number of attachers on each pole, and the challenges of managing unauthorized attachments all contribute to the need for flexibility in the enforcement of the 90-day rule for double poles. Allowing double poles to remain in place beyond this timeframe can facilitate a more manageable and effective resolution to these issues, ultimately benefiting all parties involved.

7. With the clean energy transition and broadband deployment efforts planned for the next decade, do utility pole owners anticipate an increase in double poles? Why or why not?

   The anticipated rise in capital and system improvement projects aimed at grid modernization and the clean energy transition will likely result in increased double poles to accommodate sufficient pole space for emerging technologies. Broadband deployment efforts planned for the next decade, to accommodate additional attachers typically results in 10-12% of requested licenses requiring a pole replacement to provide adequate space for new attachments.

E. Agency Webpages and Databases

1. Should the Departments each include a dedicated utility pole webpage on their websites? If so, what data should be included and why?

   The Company has no objection to the Departments having a dedicated utility pole webpage on their websites managed and maintained by the Departments. These webpages should include links to the pole owners' pole attachment webpages and contact information of the pole owner for any pole attachment requests. In general, it is not necessary for the Departments to have detailed information on their websites because the pole owners can have such information on their websites. In any case, an entity interested in filing a pole attachment application will need to directly interact with the pole owner. Furthermore, because pole attachment information is only directly relevant to pole attachers, there is no need for the Departments to have extensive information related to utility poles on their webpages. Extensive information would not be useful or helpful to the general public.

2. Should the Department of Telecommunications and Cable require an express registration form for all telecommunications and broadband attachers who seek to attach to poles in the Commonwealth? If not, explain why.

   It could be beneficial if all telecommunications and broadband attachers who are pole attachers were required to file a registration form with the DTC. Such registration could assist the DTC in confirming that pole attachers meet a threshold level of ability to meet financial obligations and to follow all applicable codes and standards. Registration might also help pole owners in identifying authorized and unauthorized attachers, and therefore the reduce the number of unauthorized pole attachments.

3. Should the Department of Public Utilities require some form of contact and/or registration form for pole-mounted EVSE attachers that seek to attach to poles in the Commonwealth? Please explain whether the Department of Public Utilities has jurisdiction to implement this requirement for these entities.

   At the outset, the Company would indicate that it is not supportive of pole-mounted EVSE attachers on distribution poles. With that stated, the Company would not object

to the DPU requiring a registration form for pole-mounted EVSE attachers on distribution poles. Requiring registration could help deter unauthorized pole-mounted EVSEs from occurring. The Company defers to the DPU as to whether it has jurisdictional authority to implement a registration form.

4. Should the Departments explore implementation of a new database that provides access to interested stakeholders with access to pole- and conduit-related attachment and cost data? If so: (a) identify the type of data that should be included and why; (b) identify limitations to implementing such a database; (c) discuss whether and, if so, how such a database would be duplicative of existing practices and processes; (d) discuss how the costs for implementing and maintaining such a database should be recovered; (e) address which entity(ies) should be tasked with maintaining the database and discuss why; and (f) address any other relevant considerations.

   The Departments should not create a new database which provides interested stakeholders with access to pole- and conduit-related attachment and cost data. This database would be duplicative of the various databases maintained by pole owners. It would require pole owners to allocate time and resources not only to maintain their own databases but also that of the Departments. A new database would require frequent and repeated updating with information provided by the pole owners. A new database would also require the allocation of staffing resources by the Departments. The costs associated with this effort would likely be recovered, at least initially, from electric customers although it should be recovered primarily from pole attachers.

   Furthermore, providing interested stakeholders with access to this database would be very problematic. Information in the pole owners' data base includes confidential or proprietary information. Information as to the deployment of broadband and telecommunication networks is competitively sensitive. It would not be appropriate for a pole attacher to know details about the deployment of their competitors. Also, some detailed information related to the cost of make-ready work may be competitively sensitive to the contractors, and therefore confidential. In addition, this public database may lead to critical infrastructure information being accessed by bad actors which will allow them to target locations near sensitive facilities, such as airports, government buildings and military facilities. Lastly, it should be noted that the FCC rejected a similar idea in Implementation of Section 224 of the Act; A National Broadband Plan for Our Future, WC Docket No. 07-245, GN Docket No. 09-51, Order on Reconsideration, at Para. 89 (April 7, 2011).

5. Are there any additional comments or suggestions on the matters described in this Section? Are there any additional issues that the Departments need to consider and, if so, why?

   None at this time.

F. Memorandum of Agreement and Dispute Resolution

1. Accordingly, after a brief extension of the MOA, the Departments anticipate jointly adjudicating formal complaints filed pursuant to 220 CMR 45.04 going forward. As such, the Departments welcome comment and redlines from all interested stakeholders with suggested revisions to the original MOA language that would best effectuate joint adjudications by the agencies in an administratively efficient manner. Comments on this issue should focus on the procedural aspects of this process and suggest revisions to language in paragraphs three through nine of the original MOA.

   The Company is very supportive of the DPU being an adjudicator in pole attachment complaints. Because the pole attachments regulations are jointly adopted by the Departments, it is logical for both Departments to jointly adjudicate disputes that arise under the pole attachment regulations. Like a joint rulemaking, a majority of DPU Commissioners, and DTC Commissioner would reach an agreement on any decision. Consistent with that concept, the DPU and DTC would both assign hearing officers to manage the case, and any hearing officer ruling would need to be agreed to by both the DPU and DTC hearing officers.

   If the DTC were to be allowed to continue to adjudicate pole attachments by itself, the DPU should be allowed to participate in the proceeding as an adjudicator whenever a pole owner indicates that the adjudication of the pole attachment complaint would affect the reliability of the electric system, safety of electrical workers, or the costs of the electric distribution system and the rate impact to customers. In fact, in the event, the DTC and DPU were to reach an impasse on adjudicating a pole attachment complaint, the MOA should be revised to indicate that the DPU's position should be adopted if in any way the resolution of issue would affect the reliability of the electric system, the safety of electrical workers, or the costs of the electric distribution system and the rate impact to customers.

   In DTC 22-4, a significant issue arose when a pole attacher sought to dramatically change the existing pole attachment policies in Massachusetts. The relief sought in the pole attachment complaint was in reality more appropriate for a rulemaking. In the future, if a pole attachment complaint is filed that seeks relief more appropriate for a rulemaking, then either the DPU or the DTC should be able to unilaterally dismiss the complaint.

2. The Departments also seek general comment on how informal and formal pole attachment complaints can otherwise best be resolved by the Departments, both through revisions to the MOA and/or through revisions to our shared regulations. Additionally, the Departments seek input on: (a) the effectiveness of the current complaint adjudication procedures; (b) possible changes that would streamline the current complaint adjudication process; and (c) whether and, if so, describe in detail how, an informal alternative dispute resolution option such as mediation may be implemented, while remaining consistent with Chapter 30A of the General Laws, to resolve complaints in a shorter timeframe than the formal complaint process.

   With the exception of the DTC 22-4, the current complaint adjudication process has generally operated well. The DTC 22-4 proceeding was problematic due to the attempt

by a pole attacher to seek to transform a pole attachment complaint into a rulemaking by requesting relief which would result in dramatic changes to existing pole attachment rules and practices in Massachusetts. To prevent this from occurring again, either the DPU or the DTC should be able to unilaterally dismiss a complaint which seeks relief that is more appropriate for a rulemaking. A pole attachment complaint is a dispute involving a few parties and is adjudicated in 180 days. There are too few entities and not enough time in a pole attachment proceeding for the DPU and DTC to evaluate significant broad policy determinations that could affect an entire industry.

In addition, to a new provision in complaint adjudication procedures allowing for a complaint to be dismissed on the basis that it seeks relief more appropriate for a rulemaking, the respondent to a complaint should be allowed 30 days to respond to a complaint. Complaints may raise a large number of claims. The current time period of 14 days is insufficient. Parties should also have up to 10 business days to respond to information requests. Short time frames to respond to numerous information requests places on strain on a party's resources.

Over the years, the Company has usually resolved disputes with pole attachers without the need of a formal alternative dispute resolution. The fact that the Company has been a party to only two pole attachment complaints in ten years is evidence that the Company has in good faith worked with pole attachers to informally resolve disputes. With that said, the Company recognizes that alternative dispute resolution involving the use of a mediator can be useful in resolving disputes. However, alternative dispute resolution is not a viable option to address requests by pole attacher who seek dramatic changes to existing Massachusetts pole attachments, which was the case in DTC 22-4. Also, a mediator must be knowledgeable as to pole attachment issues in general, and specifically as to the impact pole attachment policies may have on the electric system as well as customer rates. Therefore, a mediator should be an individual or individuals employed by the DPU and DTC staffs. Due to the size of the DPU staff, it may be more practical for mediators to be a DPU staff member.

G. ROW and Pole-Mounted EVSE

1. What are the advantages and disadvantages of ROW EVSE in relation to pole-mounted EVSE? How does each technology compare with traditional ground-mounted EVSE in terms of costs and complexity of deployment? Are there limitations to the types of EVSE (e.g., Level 1 chargers, Level 2 chargers, direct current faster chargers, or other charger types) that can be mounted on ROWs and utility poles?

   It is important to clarify that right-of-way charging could be used to describe any charger installed along a street or road and is also often referred to as curbside charging. There are also multiple types of pole-mounted chargers, many of which can be installed along a right-of-way. Some chargers may be on a utility pole, but others are manufactured to be installed on independently owned poles. For purposes of responding to these questions, ROW EVSE will be used to refer to right-of-way EVSE

that is not installed on a utility pole. Utility pole-mounted EVSE will be specifically used below to refer to pole-mounted EVSE.

ROW EVSE has both advantages and disadvantages compared to Utility pole-mounted EVSE.

Advantages include:

a. Potentially lower longer-term costs (in relation to the third-party attachment requirements, such as insurance, attachment fees, and higher maintenance costs due to the necessity of specialized technicians who can work on poles.)
b. More models of chargers are available that can be installed as ROW EVSE vs. Utility pole-mounted. The EDCs are only aware of one model of EVSE that can be utilized for Utility pole-mounted charger available for sale in MA.
c. More flexibility for siting locations, given the constraints that existing utility poles have, such as limited space for an EVSE (incl. required hardware, mounting bracket, meter, etc.), and their often-misaligned placement in respect to usable parking spaces.
d. Avoidance of down time with the EVSE compared to Utility pole-mounted, given the need to turn off the chargers any time the poles need to be replaced or there are issues with other third-party attachments.

Disadvantages of ROW EVSE compared to Utility pole-mounted EVSE include:

a. Potentially higher risk of vandalism or damage due to the mounting location adjacent to a roadway (ROW EVSE is typically installed at heights similar to parking meters, while Utility pole-mounted EVSE is typically installed ~10 feet above the ground).
b. Potentially higher upfront installation costs, due to sidewalk construction, distance from electrical infrastructure, and permitting requirements, however these costs can vary significantly depending on the project.
c. Competition for space with existing infrastructure in the ROW, such as parking meters, poles, hydrants, and trees.

Traditional ground mounted EVSE can include Level 1, Level 2 and DCFC, therefore comparing cost and complexity of deployment is difficult to generalize, especially as many unique charging technologies are now available. For the purpose of comparing ROW EVSE and Utility pole-mounted EVSE to more traditional ground mounted EVSE, the EDCs will assume the comparison is focused on traditional commercial scale Level 2 chargers that one might see deployed in a parking lot. Therefore, although each location and situation is unique and costs and complexity can vary significantly, both ROW and Utility pole-mounted charging deployments can (as discussed above) pose unique opportunities and/or challenges, installation complexities, added costs due to unique installation requirements, as well as other considerations or community engagement components that may add significant time to the project planning. The EVSE technologies do not fundamentally differ across these various installation options, therefore the costs and complexities are typically tied to the advantages and disadvantages discussed above. While the actual EVSE hardware for ROW or Utility pole-mounted EVSE may potentially be less expensive

than traditional ground-mounted EVSE, other added costs and complexities may not make those options less expensive in the long-term.

In terms of types of EVSE that can be utilized for ROW or Utility pole-mounted installations, it depends on the location, available nearby capacity, and the EVSE available to the customer. ROW and Utility pole-mounted EVSE could be Level 1 or 2, however DCFC is likely limited to ROW, due to load constraints with utility pole capacity and attachment and space limitations.

2. What ROW or pole-mounted EVSE pilot programs or municipal partnerships have been undertaken in Massachusetts or in other jurisdictions? Please describe: (a) the scope and goal(s) of these programs and partnerships, including whether the program or partnership was designed to address a specific concern (and identify the concern); (b) the design and planning criteria considered to determine the number, type, and location to deploy the ROW or pole-mounted EVSE (e.g., socio-economic conditions, EV density, system capacity, etc.); (c) the average timeline and costs to deploy ROW and/or pole-mounted EVSE; and (d) any lessons learned from these pilot programs or municipal partnerships.

   Eversource has not installed any utility pole mounted EVSE and has not administered a program enabling utility EVSEs in its service territory. Eversource does have experience in its service territory with 17 ROW EVSEs which have submitted applications to its incentive program. The 17 ROW EVSEs are located in the greater Boston area, and all configured as Level 2 curbside EVSE with 4 ports per project. The average customer-side make ready cost, not including any EVSE, totaled approximately $18,750 per port. In comparison, similar projects outside of the 17 identified totaled approximately $17,000 per port for similar configurations. The permitting timeline for the identified projects ranged from approximately two to six months, depending on the permitting rights required. Construction on the projects was approximately ten days per project, which is relatively typical for this type of configuration. Through its involvement with the 17 charging projects Eversource determined that the permitting process can be lengthy and difficult, while the construction timeline for these projects was relatively typical for comparable installations.

   National Grid has only supported the installation of Utility pole-mounted EVSE through an informal partnership with the City of Melrose, which was initiated by the Company to explore the feasibility of Utility pole-mounted EVSE. As a part of this project, National Grid helped the City of Melrose to install 15 Utility pole-mounted EVSE on 9 poles. The project not only expanded access to public charging in Melrose, but specifically showcased the benefits of curbside EVSE to community residents without access to home charging. However, this project required a significant amount of staff time and resources to complete, from both National Grid and the City. Many factors contributed to the complexity of the project, including the lengthy time required to determine appropriate poles that would meet all the requirements for EVSE mounting, complete the required third-party attachment process for the poles,

conducting community outreach to ensure buy in from the residents and businesses, and updating the City's processes and insurance to be able to own and operate the EVSE. The design and siting considerations were significant and complicated, both in terms of finding appropriate poles aligned with parking spaces, but also in terms of getting full abutter approval through the traffic commission. When going into the project, the partners had hoped to be able to install chargers every half mile, but finding and approving locations proved challenging. At the time of install, the price of the EVSE was more expensive than traditional Level 2 chargers, but the installation costs were about 30 percent less than ground mounted. While National Grid cannot speak for the City of Melrose, the partnership was one that taught both parties a great deal about the complexities of Utility pole-mounted chargers. In light of its experiences in Melrose, National Grid recommends that any community considering Utility pole-mounted EVSE due their due diligence to determine whether that model is appropriate to meet their needs and to speak with Melrose about their experience as well.

The only other ROW-specific offerings that Eversource and National Grid are aware of in Massachusetts are the pilot project being conducted in Boston with its electric and the Massachusetts Clean Energy Center On-Street Charging Solutions program (open to 15 municipalities)- www.masscec.com/street-charging-solutions.

In addition, National Grid and Eversource are aware of the following Utility pole-mounted EVSE deployments outside of Massachusetts:

- **Portland OR** – Portland Gas and Electric has installed pole mounted chargers as part of its Municipal Charging Collaboration Pilot. Corresponding details can be found here: https://portlandgeneral.com/energy-choices/electric-vehicles-charging/charging-your-ev/neighborhood-charging
- **Los Angeles, CA** – Los Angeles District of Water and Power has installed 44 utility pole-mounted chargers. Corresponding details can be found here: https://www.wri.org/research/pole-mounted-electric-vehicle-charging-preliminary-guidance
- **Burlington, VT** – the Burlington Electric Department installed 5 utility pole chargers as part of a pilot program as of June 2024. Corresponding details can be found here: https://www.burlingtonelectric.com/polemounted/
- **Madison, WI** – Madison Gas and Electric installed its first utility pole-mounted chargers in November of 2023 as part of its public charging station network. Corresponding details can be found here:https://www.mge2050.com/en/innovation/mge%E2%80%99s-first-pole-mounted-ev-charging-station-avail

Lastly, National Grid and Eversource are aware of the following ROW EVSE deployments outside of Massachusetts:

- **New York, NY** – The City of New York , the NYC DOT, Con Edison and FLO have joined forces to deploy 100 curbside charging stations across NYC. pole mounted

chargers as part of its Municipal Charging Collaboration Pilot. Corresponding details can be found here: https://www.flo.com/new-york-city/

- **San Francisco, CA** – The City of San Francisco intends to deploy 1,500 public curbside charging stations as part of a pilot program. Corresponding details can be found here: https://www.sf.gov/news--san-francisco-launches-curbside-electric-vehicles-charging-pilot

3. What are the barriers to the deployment of ROW and/or pole-mounted EVSE and what strategies can be employed to overcome those barriers? What changes to the Department of Public Utilities' existing policies, practices, regulations, and/or requirements are necessary to help facilitate ROW and/or pole-mounted EVSE deployment, including partnerships between companies and municipalities or other governmental entities? Should the Department of Public Utilities consider other factors?

   Challenges related to ROW and Utility pole-mounted EVSE deployments are discussed above. While these challenges may serve as barriers to deployment, they do not prevent deployment if the use case and value is enough to warrant the effort and cost for the customer or community installing the EVSE.

   National Grid and Eversource encourage all customers to assess their EVSE options when designing charging projects. Informed by the Utility pole-mounted EVSE installed in MA, National Grid and Eversource believe that the benefits arising from utility pole-mounted EVSE are likely outweighed by the time and costs associated installing and maintaining utility pole mounted EVSEs.

   National Grid and Eversource are not aware of any changes to Department policies or regulations that would reduce these barriers.

   Given that ROW and Utility pole-mounted chargers are eligible for EDC incentives to support deployment, National Grid and Eversource recommend ongoing support for public charging that can assist customers, such as municipalities in exploring options. Additionally, National Grid and Eversource recommend that best practices and lessons learned from projects with the City of Boston and the MassCEC On-Street Program be shared widely across the Commonwealth so other communities can learn from their experiences.

4. Please identify and describe ROW and pole-mounted EVSE currently deployed in the Commonwealth which are owned and/or operated, in whole or in part, by a private entity, and provide details of the ownership and operation (e.g., privately-owned pole-mounted EVSE that is leased, operated, and maintained by a municipality or other third party). What are the potential impacts of EDC ownership of ROW or pole-mounted EVSE on the competitive market? Should the ownership model of ROW and pole-mounted EVSE differ for environmental justice populations and non-environmental justice populations, and why?

In regards to ROW EVSE, National Grid and Eversource are aware of the following ownership models for ROW EVSE currently deployed in Boston. The City of Boston is installing EV curbside charging ports via two models (1) public ownership as city assets, and (2) licensing right of way in a public/private partnership (i.e. partnering with private companies to install and operate EV charging ports). In the public ownership model, third party vendors handle hardware, installation, and maintenance. They are also sited at public areas like parks, playgrounds, libraries, and commercial areas. In the public/private partnership model, vendors install and operate EVSE at no cost to the municipality, but the municipality has input on operation and fee structure of the EVSE, and the municipality earns some revenue.

In regard to Utility pole-mounted EVSE, Eversource and National Grid are only aware of Utility pole-mounted EVSE currently deployed in Melrose. The City of Melrose owns the EVSE on poles owned by National Grid.

National Grid and Eversource maintain that plans for deployment of ROW or pole mounted EVSE should not be done by the EDCs. Instead, deployment plans should be driven by customer demand and implemented by a combination of private sector EVSE vendors and operators or municipalities.

Previously, the DPU determined that electric distribution company would not be allowed to recover the costs of EVSE owned by the utility. Any cost recovery for an EV program proposal must: (1) be in the public interest; (2) meet a need regarding the advancement of EVs in the Commonwealth that is not likely to be met by the competitive EV charging market; and (3) not hinder the development of the competitive EV charging market. D.P.U. 13-182-A at 13. In particular, in D.P.U. 21-90, the DPU determined electric distribution company ownership of Utility pole-mounted EVSE was in violation of all three principles stated in D.P.U. 13-182 in part because it interfered with the competitive EV charging market. The ownership model of ROW and pole-mounted EVSE does not need to differ for environmental justice populations and non-environmental justice populations.

5. In addition to the EDCs, which entities should the Department of Public Utilities direct to submit plans to facilitate the deployment of ROW or pole-mounted EVSE in the Commonwealth?

   As stated above, National Grid and Eversource maintain that plans for deployment of ROE or pole mounted EVSEs should not be done by the EDCs and funded by ratepayers. Instead, deployment plans should be driven by customer demand and implemented by a combination of private sector EVSE vendors and operators or municipalities. Given that ROW and Utility pole-mounted chargers are eligible for EDC incentives to support deployment, National Grid and Eversource recommend ongoing support for public charging that can assist customers, such as municipalities in exploring options.

National Grid and Eversource encourage all customers to assess their EVSE options when designing charging projects. Informed by the Utility pole-mounted EVSE installed in MA, the EDCs believe that the benefits arising from utility pole-mounted EVSE are likely outweighed by the time and costs associated installing and maintaining utility pole mounted EVSEs.

6. What policies and practices should be implemented to ensure equitable access to ROW and/or pole-mounted EVSE in rural communities and in low- and moderate income areas?

   To encourage deployment of ROW EVSEs and pole mounted EVSEs in rural and in LMI areas, National Grid and Eversource recommend the Department approve continued support for the utility EV make-ready programs to provide incentives for public chargers, with the potential for increased incentives for ROW or other curbside deployments where such chargers may support an increase of EV adoption.

   National Grid and Eversource encourage all customers to assess their EVSE options when designing charging projects. Informed by the Utility pole-mounted EVSE installed in MA, National Grid and Eversource believe that the benefits arising from utility pole-mounted EVSE are likely outweighed by the time and costs associated installing and maintaining utility pole mounted EVSEs.

7. What federal, state, or other funding is available to facilitate the deployment of ROW and/or pole-mounted EVSE?

   National Grid and Eversource are not aware of any federal funding currently available for the facilitation of the deployment of ROW EVSE or pole mounted EVSE. The EDCs are also not aware of any funding sources that are designed specifically to facilitate the deployment of pole mounted EVSE.

   There are state sources that could potentially fund the deployment of ROW EVSEs. The MassEVIP of the Massachusetts Department of Environmental Protection funds EVSE projects across the Commonwealth. The Department of Energy Resources also has Green Communities funding, which can help support municipalities to pay for make-ready, EVSE and other project costs. The MassCEC EV Charging Infrastructure program is supporting ROW EVSE deployment through the On-Street Charging Solutions Program.

   Lastly, National Grid and Eversource ‘s EV Make-Ready Programs could be used to fund the deployment of ROW EVSE, as was done for the Melrose Utility-pole-mounted project.

8. How should ROW and/or pole-mounted EVSE plan proposals promote the use of utility poles for pole-mounted EVSE?

Given the space limitations, maintenance issues, and other issues related to the installation of EVSE on utility poles previously discussed, National Grid and Eversource do not recommend specifically promoting utility poles for pole mounted EVSE, but rather encouraging customers to explore all models of EVSE available on the market that can be utilized for curbside deployments. The deployment of EVSE should be driven by customer demand and should not be limited by one specific charger type.

9. For existing ROW and pole-mounted EVSE deployed in the Commonwealth, who maintains the ROW and pole-mounted EVSE equipment in a state of good repair? What liability provisions are necessary to ensure that owners of ROW and pole-mounted EVSE, or their lessees, maintain equipment in a state of good repair? What terms and conditions are or should be incorporated into pole attachment agreements to address emergency storm response and the shifting of attachment to facilitate removal of double poles in a timely manner?

   The maintenance of ROW EVSE deployed in Massachusetts is the responsibility of the owner/operator of the EVSE. National Grid and Eversource are not aware of what liability provisions are necessary to ensure equipment is maintained in good repair.

   The maintenance and liability of Utility pole-mounted EVSE deployed in Massachusetts is in accordance with the current terms and conditions of the EDCs' pole attachment agreements which require the owner / operator of the EVSE to maintain the equipment and maintain adequate insurance.

   National Grid and Eversource are not aware of what maintenance and liability provisions are required for non-utility mounted EVSE. Separate EVSE Pole Attachment Agreements would be needed. There would need to be provisions within this agreement to respond to emergency and storm conditions in the event of a pole replacement being required. Just like streetlights, EVSE would have to be left on the side of the road next to the pole for the pole owners to cut and kick and/or replace this pole. Currently Verizon is the lowest communications attachment because they can make one visit to transfer and remove the pole. If EVSE was allowed and became the lowest attachment, it would require Verizon to make multiple visits to the same pole to transfer and then remove the pole.

IV. CONCLUSION

The Company appreciates the opportunity to provide the DPU and DTC with these comments.

Respectfully submitted by:

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