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
NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY

I. INTRODUCTION

NSTAR Electric Company d/b/a Eversource Energy ("Eversource") ("Eversource" 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, 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, Massachusetts Electric Company and Nantucket Electrics Company, each d/b/a National Grid ("Grid"). 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 was 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.

   The GIS data includes results from the support structure feature, with the owner field of unique poles grouped and summed to produce the results.

   Please see Attachment ES-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.

   The GIS data includes results from the support structure feature, with riser = yes means providing service to customers of unique poles grouped and summed to produce the results.

   Please see Attachment ES-A-2.

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

   The GIS data provided is the streetlight feature from the GIS, with all unique poles grouped and summed to generate results.

   Please See Attachment ES-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.

   The GIS data reflects historical information provided through the work order process. For poles with recorded heights, an average was calculated and reported. These heights are based on manufacturers stamped height, not the actual ground to top of pole height.

   Please see Attachment ES-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 ES-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.

   Eversource Distribution GIS does not track the percentage of conductor located within public rights-of-way (ROW). It is assumed Eversource to have access to maintain its facilities, supported by appropriate ROW agreements.

   Please see Attachment ES-A-6.

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.

   Eversource Distribution GIS does not track the percentage of conductor located within public rights-of-way (ROW). It is assumed Eversource to have access to maintain its facilities, supported by appropriate ROW agreements.

   Please see Attachment ES-A-7.

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.

Eversource's aerial wire-based pole attachment rental rate was last updated in 2021 to $14.27 for an attachment to a solely owned pole and $7.14 for an attachment to a jointly owned pole. Prior to the 2021 update, wire-based aerial pole attachment rates for attachments on poles owned by the Western Massachusetts Electric Company were last updated in 1995 and wire-based aerial pole attachment rates for attachments on poles owned by NSTAR Electric were last updated in 2008. Wire-based aerial pole attachments made to jointly owned poles are billed half of the solely owned annual pole attachment rental rate. For wire-based aerial pole attachments, the only difference in the annual rate is if the attaching entity is a municipality. In that case, the annual rental rate is $0 for the first foot of attachment space. There are no region-based differences in the rates. Wireless attachments are billed $200 per year on a solely owned pole and $100 per year on a jointly owned pole.

Eversource does calculate its wire-based aerial pole attachment rental rate using the Massachusetts Formula as shown in DPU/DTE 97-82. The Massachusetts Formula is essentially the same as the FCC Cable Television ("CATV") Formula, just in a slightly different format. The Massachusetts Formula also uses several of the same presumptions as the FCC CATV formula.

Poles that are jointly owned are billed by both pole owners. The annual joint pole attachment rental rate is half of the annual solely owned pole attachment rental rate.

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.

   Wire-based aerial pole attachments made to jointly owned poles are billed half of the solely owned annual pole attachment rental rate. For wire-based aerial pole attachments, the only difference in the annual rate is if the attaching entity is a municipality. In that case, the annual rental rate is $0 for the first foot of attachment space. There are no region-based differences in the rates. Wireless pole attachments are billed $200 per year on a solely owned pole and $100 per year on a jointly owned pole.

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

    While the Company has updated its aerial pole attachment rental rates within the last five years, the Company would like to note that some attaching entities are highly resistant to any rate increases and some of these attaching entities have refused to pay the Company's current annual attachment rental rate.

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.

Eversource does calculate its wire-based aerial pole attachment rental rate using the Massachusetts Formula as shown in DPU/DTE 97-82. The Massachusetts Formula is essentially the same as the FCC Cable Television ("CATV") Formula, just in a slightly different format. The Massachusetts Formula also uses several of the same presumptions as the FCC CATV formula

Please see Attachment ES-A-8 for a copy of the Company's 2021 aerial pole attachment rental rate calculation.

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.

    Each pole owner bills their own joint owned pole attachment rate for attachments made to joint owned poles.

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.

    Eversource charges $200 annually for a wireless attachment to a solely owned pole and $100 annual for an attachment to a jointly owned pole. These figures were negotiated by the legacy company NSTAR prior to 2008 and have been charged since that time.

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.

    Eversource does not have any of EVSEs attached to Eversource-owned poles. Therefore, it has not calculated or charged attachment rates for these devices.

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).

    Eversource relies on its annual FERC Form 1 submission that follows the USoA in order to calculate its pole attachment rental rates. Other data is supplied from the

Company's records (e.g., plant accounting system). The only items not found in the FERC Form 1 are the pole counts which are taken from the Company's plant accounting system and the rate of return, which is calculated by revenue requirements and filed with, and approved by, the DPU.

B. Existing Planning and Practices

1. Provide copies of relevant practices, policies, and template agreements used by your company applicable to these topics

   For the requested information please refer to:

   - Attachment ES-B-1 for the EMA Current Process Overview
   - Attachment ES-B-2 for the WMA Current Process Overview
   - Attachment ES-B-3 for the EMA Attachment Application
   - Attachment ES-B-4 for the ES MA 3PA Workflow
   - Attachment ES-B-5 for the Application for Conduit License
   - Attachment ES-B-6 for the MA Combined Two Party Pole Attachment Agreement
   - Attachment ES-B-7 for the EMA UG SPA Process Flow
   - Attachment ES-B-8 for the Manhole and Conduit License Agreement template
   - Attachment ES-B-9 for the WMA Wireline Pole Attachment Application

2. 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.

   There is a seven-step process for wireline applications. The first step is the application stage. In this stage, the prospective pole attacher submits a pole attachment application to Eversource electronically via email. Eversource reviews the application for completeness. The applicant mails the survey payment to Eversource. Once the payment is received, the application package is complete.

   The second step begins the engineering stage. The application is assigned to Eversource's engineer to schedule and begin the make ready determination survey. The engineer performs a walkdown of each pole to determine if make ready is required to accept the new attachment on each pole. Once the survey is complete, the results are sent to the engineer of the joint pole owner, i.e. Verizon. If the joint pole owner agrees to the make ready determinations made by Eversource, the make ready determination and concurrence is complete. If no make ready work is necessary, then the application moves to License Release. If make ready is determined it is submitted to the attacher for their approval. Once the attacher approves the make ready determination the development of a design and estimate begins. The engineer develops the design and estimate for the make ready required. The make-ready estimate is sent to the applicant

for their approval and once their approval is obtained a make-ready estimate invoice is created and sent to the application for their payment.

The third step is the applicant make ready payment stage. A make-ready invoice is sent to the applicant (attacher). When the invoice is paid by the applicant the application moves to construction.

The fourth stage is the construction stage. The make-ready work by Eversource is scheduled pending any joint owner pole set work is completed. Eversource performs make ready construction work until it is completed.

The fifth stage is license. In this stage a license is issued for the application.

The sixth stage is the true up costs stage. A true-up is performed. The true up takes the actual costs and subtracts the estimated payments received by Eversource from the pole attacher. If the estimated payments are higher than actual costs, a refund is issued to the attacher. If estimated payments are less than actual costs an invoice is issued to the attacher. Once payments or refunds are completed the application process ends.

The seventh stage is post construction. In this stage, the attacher installs their fiber or wire. Part of post construction is a post construction audit by the pole owner which begins per the Pole Attachment Agreement after attacher notifies the EDC company of their fiber installation is complete. This notification to the EDC is rarely done by an attacher.

The process is now complete, and all licensed attachments have been entered into the database (at signed license release). Annual fees are applied to each attachment based on pole attachment rates calculated and communicated to all attachers.

- For UG applications the following current process is in place: Please see Attachment ES-B-7

- UG attachment company submits application and fiber route to Field Operations
    - Field Operations performs a path review and UG manhole lookup survey.
        - IF the path is not approved it is sent back to the customer to select a different path for fiber
        - If the path is approved and does this require new MH and conduit
            - If path doesn't require a new MH or conduit then the application is sent to Pole Administration team for License release and Survey costs
            - If path does require new MH and conduit then the customer installs the new MH or conduit and lets Field Operations team know it's been rodded and roped

- Once approved the application is sent to Pole Administration to release license and survey costs. (See Attachment ES-B-10 for the occupancy survey fees and charges)

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

   Eversource requests from its pole attachers their plans for the next six months so Eversource can plan for and allocate the resources needed to support their pole attachment projects. Unfortunately, most pole attachers seem reluctant to provide Eversource with any plans well in advance of submitting applications. Eversource also requests kmz files showing the poles within their plan so Eversource can look for overlapping customer requests for attachments. When a pole attacher requests to attach to thousands of poles at once, without any warning, it leads to delays and strains the process. While Eversource is addressing pole attachments, Eversource must also manage other capital improvement projects, DEEP, DER/CIP and other customer work.

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

   Eversource does not charge an application fee. Eversource charges a survey fee as shown on Appendix 1 of the Pole Attachment Agreement (See Attachment ES-B-11). The fee amount was developed over 15 years ago and has not been updated. Also, the fee is an estimate and actual survey costs are subsequently trued up.

   Eversource charges make ready costs. The make ready determination is done at the survey and concurrence stage. The Eversource engineer enters all the make ready work required including attachment shifting and pole replacements into Eversource's work management system and third-party estimating tool. The attacher is provided with a make ready estimate. After the attacher approves the estimate, an invoice is sent to the attacher.

   After work is completed and all invoicing has been submitted, a true-up is performed. If the make ready estimate invoice paid by the attacher is more than actual costs the attacher is issued a refund. If a make ready estimate invoice paid is less than actual costs the attacher paid, the attacher is invoiced the difference.

5. 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?

   For small applications of less than 50 poles, the application is reviewed and survey fee paid in approximately 5 days. The engineering phase usually takes about 22.5 days. The engineering phase includes the survey, concurrence with the joint pole owner, design estimate, and make ready estimate. It usually takes about 45 days for the invoice

to be sent and for payment to be received. Make ready construction usually takes about 37.5 days. The total amount of time is about 111 days.

For large applications of 50 to 200 poles, the application is reviewed and survey fee paid in approximately 15 days. The engineering phase usually takes about 52 days. The engineering phase includes the survey, concurrence with the joint pole owner, design estimate, and make ready estimate. It usually takes about 120 days for the invoice to be sent and for payment to be received. Make ready construction usually takes about 210 days. The total amount of time is about 397 days.

These timelines can be affected in a variety of ways such as weather, storm outage and resource acquisition and a large number of poles being submitted in a short period of time.

The survey phase can be delayed in two ways. A delay occurs when both pole owners do not receive the same pole application from the attacher at the same time. Another way a delay occurs is during concurrence with the other pole owner because surveys are not done together therefore require each pole owner to review each other's make ready determination.

Delays occur when attachers add steps after the make ready determination survey. Eversource must wait for the attachers' review and approve the design. Pole attachers sometimes take more than 60 days to respond to Eversource. Pole attachers also cause a delay when they do not promptly pay the make ready estimate. Some attachers take over 60-120 days before making a payment. Some attachers also hold on too many invoices and pay all the invoices at once which creates a huge amount of work for the construction team all at once.

Construction delays can occur due to switching or scheduling customer outages to perform make ready work. Weather and other customer outage work can also cause delays in the make ready construction process as well.

6. 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.

Eversource has an affiliate in Connecticut, Connecticut Power and Light. The table below compares the FCC timelines for the traditional applications with the current Connecticut guidelines. It also includes New Hampshire information.

Application Submittal	Connecticut	NH	FCC	
Review for Completeness	14	3	10	
Review on Merit	0	0	45-60**	
Total Calendar Days	14	3	55-70**	
Engineering Phase				
Field Survey	45	45	45-60**	
Make Ready Estimate	0	14	14	
Pending Make Ready Payment	-	Per agreements- 14 days / Per Engineering they allow 90 days	-	
Total Calendar Days	45	73-149	59-74**	
Construction Phase			**Communications Gain**	**Power Gain**
Regular Make Ready (no pole set)	45	60	30-75**	90-135**
Pole Set	80	60		
Total Calendar Days	45-80	60	30-135**	
Overall Timeline – Engineering & Construction	**90-125**	**133-209**	**89-204**	

** Additional time is allocated based on the size of the application as outlined in FCC 47 CFR§ 1.1411(g).

(g) For the purposes of compliance with the time periods in this section:

(1) A utility shall apply the timeline described in paragraphs (c) through(e) of this section to all requests for attachment up to the lesser of 3000 poles or 0.5 percent of the utility's poles in a state.

(2) A utility may add 15 days to the survey period described in paragraph(c) of this section to larger orders up to the lesser of 3000 poles or 5percent of the utility's poles in a state.

(3) A utility may add 45 days to the make-ready periods described in paragraph (e) of this section to larger orders up to the lesser of 3000poles or 5 percent of the utility's poles in a state.

(4) A utility shall negotiate in good faith the timing of all requests for attachment larger than the lesser of 3000 poles or 5 percent of the utility's poles in a state.

(5) A utility may treat multiple requests from a single new attacher as one request when the requests are filed within 30 days of one another.

The table below compares the FCC timelines for the OTMR process with current Connecticut guidelines.

Application Submittal**	Connecticut	FCC
Review for Completeness	10	10
Review on Merit	25	15-30**
Engineering Phase		
Attacher' s Notice	3	3
Make Ready		
Attacher' s Notice	15	15
Post Make Ready		
Attacher' s Notice	15	15
Inspection Period	90	90
Inspection Results notice	14	14
Violation Corrections	14	14

** Business Days

Note: Connecticut PURA ruled on 25 Days for Review of Merit versus the FCC 15-30 days.

Since the ruling on May 11, 2022, Eversource has not received an OTMR application from any attacher.

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

Eversource utilizes NJUNS for pole sets and transfers (due to a pole replacement/set). However, 90 and 120 days is an insufficient amount of time due to volumes of work pertaining to pole replacements in Massachusetts. Eversource sets the pole and performs their transfers and creates an NJUNS ticket for that pole and completes their task in the system. The NJUNS ticket moves Next to Go (NTG) with the next attacher moving its attachment in the communications space in order from top to down. The first attacher transfers their equipment and it will then to the NTG attacher and so on until the pole is bare. The last step once the pole is bare is for Eversource's queue to Pull Pole. Eversource must wait for all these transfers to be completed before the pole can be removed. Eversource cannot control how long it takes for these other companies to transfer their equipment.

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

Eversource has a limit of 200 poles per application, and 1,000 poles per area work center. These limitations were 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.

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

   When pole attachers submit applications with a large number of poles without any notice, it strains Eversource's resources and creates a backlog. Without volume caps, large applications can create backlogs that affect other attacher applications. It also affects other work that must be performed by Eversource.

   Also, pole attachers do not properly estimate the number of poles that will be attached in an application. In one instance, Eversource was told by an attacher that it would file an application seeking to attach to 3,000 poles but it ended being between 15,000 to 20,000 poles. Because resources have been allocated to other projects, this late minute change in plans leads to delays and backlogs.

10. 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.).

    NESC is a minimum of rules and regulations pertaining to pole attachments. Eversource has additional standards in place for the safety of all workers, power, and communications. (See Attachment ES-B-12 through Attachment ES-B-15).

11. 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, for Massachusetts Department of Transportation roadways a specific permit is needed to do pole replacements. Therefore, there could be a delay in the work of a few months. See Attachment ES-B-16. Also, any work over or within 30 feet of a railroad requires a permit. In addition, excavating over a subway tunnel requires a permit. These permits could delay the work for about 6 months or more.

    Furthermore, Boston has an occupancy/dig permit process which can delay work if it conflicts with other ongoing work. Some other towns have a Street Opening Permit process through their Department of Public Works and other local ordinances.

    In addition, a Massachusetts Water Resource Authority permit is needed when a pole needs to be replaced or installed if the pole is near any Massachusetts Water Resource

Authority lines or one of their Aqueducts. See Attachment ES-B-17, page 27 of their enabling act of 1984.

Massachusetts Port Authority and Boston Planning & Development Agency (BPDA) require a separate permit requirement for work on their properties which takes longer than a typical Street Opening Permit at a town (See Attachment ES-B-18, and Attachment ES-B-19). Usually, this permit will require a few months to acquire. Lastly, it should be noted that the crossing of federal land requires site permission which is different for each entity.

The Company is also aware that most northern towns have a winter moratorium along with Massachusetts Department of Transportation, but exceptions can be made. Towns in Cape Cod and in the southeast have summer moratoriums along with Massachusetts Department of Transportation, but some exceptions can be made.

Delays can also arise due to environmental permitting and by conservation committees when the pole encroaches on wetlands. These delays can be about six months.

It should be noted that the Department of Conservation and Recreation has its own permitting process and hearing process. See Attachment ES-B-20 for the permitting process and Attachment ES-B-21 for G.L. Chapter 92, Section 44 for new installations.

Lastly, UG attachments and conduit work in the City of Boston requires a street opening permit and other towns could require additional permitting as well.

12. 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.

    Yes, in Massachusetts, most new neighborhood developments are required to go underground. These developments are called "underground residential developments" (URDs). The underground conduit is typically installed by private developers per Eversource standards.

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

    Regarding third party attachment work, Eversource in Eastern Massachusetts is required to use internal collective bargaining employees for this work where Eversource in Western Massachusetts can give this work to outside contractors without incurring collective bargaining additional costs. Internal company crews are always subject to change or being pulled off for emergent work, rest time, vacation/sick days and other priorities, whereas contractors can be assigned exclusively to perform one job.

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

    Before any work is assigned to a contractor, the scope and design documents are reviewed by Eversource's internal operations management team. The contractor would be provided with these documents upon bid/award of the job, and prior to a notice to proceed, there would be an in-person review of the work between the contractor person in charge and the internal management team member. Additionally, operations supervisors conduct announced and unannounced field observations of contractors working in the field. As the work progresses, progress is reviewed, and invoices are reviewed by internal supervisors prior to approval by management.

15. 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.

    In Connecticut, an approved contractor list is used for simple make ready in the communication space. OTMR is not allowed in the power space or for complex make ready work. Eversource has received no applications for OTMR in Connecticut to date.

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

    In Massachusetts, Eversource does not allow temporary third-party attachment. In our other jurisdictions, attachers would not go back to make any of their temporary attachments permanent. As a result, there were NESC violations due to clearances and construction standards. In some other cases these temporary attachments were left on extension arms causing issues when having to replace poles in the future for emergent and system upgrades. Eversource recommends that temporary attachments should not be required in Massachusetts.

17. 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.

    In Connecticut, PURA mandated temporary attachments if the 45-day timeline was not adhered to within Docket No. 18-04-20RE01 between GoNetSpeed and UI. PURA required it for Eversource in PURA Docket No. 19-01-52. This 45-day timeline did not include have any volume caps at the time of both rulings. PURA implemented volume caps in Docket 19-01-52RE01. However, PURA did not require attacher to pay their permanent application make ready costs. As a result, the attacher had no incentive to ever make their temporary attachments permanent. Also, in some cases, the attacher installed the temporary attachments using permanent attachment construction methods with thru bolts when J-hook construction should have been used. This construction would cause extra bolt holes being drilled too close to each other which could cause issues with a pole's structural integrity. Temporary attachments also cause multiple trips to the same poles which both attachers and Eversource are trying to avoid due the volume of attachments being applied for today. Multiple companies are applying to

attach to the same poles. If temporary attachments were allowed, it would cause chaos for all parties. Accordingly, Eversource recommends that temporary attachments should not be required in Massachusetts.

In New Hampshire, normally we do not allow temporary attachments for Licensees.

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

The order and process of an attachers application is on a first in, first out basis. This process has worked well over the years. However, because of the large volume of new attachers coming to Massachusetts, the large volume of poles they seek to attach all at the same time, along with BEAD and other federal and state broadband initiatives, it is causing multiple attachers applying to the attach to the same poles.

Because of this increase volume in pole attachment requests, Eversource has asked all attachers to provide .KMZ files so that Eversource can ensure poles being applied by a new attacher does not overlap with an attacher already in the application process. This ensures that applications are processed on a first in, first out basis. Although this may cause a delay for the subsequent applicant applying for those same poles, but it is not discriminatory. When the first applicant's make ready work is completed, the second applicant begins, and so on. Because of the demand to attach on the same poles has increased, it is important for the applicant to pay their make ready invoice within 30 days and it is justifiable to cancel the application when they fail to do so. An application should not be delayed because another applicant will not pay make-ready invoices. If an applicant were allowed to not pay the make-ready invoice for a lengthy period of time, the first applicant would in essence put a hold on poles that their competitor seeks to attach. A first in, first out is the only way for the pole owner to process and maintain the non-discriminatory access to their poles. An alternative process where applicants can engage in self-help remedies and put up temporary attachments could lead to chaos.

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

Because of an increase volume in pole attachment requests, Eversource has asked all attachers to provide .KMZ files so that Eversource can ensure poles being applied by a new attacher does not overlap with an attacher already in the application process. This ensures that applications are processed on a first in, first out basis. Although this may cause a delay for the subsequent applicant applying for those same poles, but it is not discriminatory. When the first applicant's make ready work is completed, the second applicant begins, and so on. Because of the demand to attach on the same poles has increased, it is important for the applicant to pay their make ready invoice within 30 days and it is justifiable to cancel the application when they fail to do so. An application should not be delayed because another applicant will not pay make-ready invoices. If an applicant were allowed to not pay the make-ready invoice for a lengthy period of time, the first applicant would in essence put a hold on poles that their competitor seeks to attach. A first in, first out is the only way for the pole owner to process and maintain

the non-discriminatory access to their poles. Prioritizing certain applications over others applications based on subjective criteria would be problematic. Also, alternative process where applicants can engage in self-help remedies and put up temporary attachments could lead to chaos.

20. 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 would be impacted if other users are in the roadway. For example, if there is a DOT road job planned for a section of line with planned pole attachments, Eversource would likely wait until the road work is done prior to scheduling the attachment work.

21. 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.

    Planned Eversource projects are planned separately from pole attachment projects, unless there is a direct conflict or overlap. Applications with a smaller number of poles can typically be done solely based off of designed work orders. Applications with a large number of poles will require coordination and scheduling planning with the attacher company and or other pole custodians.

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

    Eversource coordinates with other attachers if the poles to which they are applying to attach have another attacher who has submitted an application to attach to those same poles. To ensure non-discriminatory access, Eversource follows a first in, first out. As a result, the second application must wait until the make ready work of the first attacher is completed before the second application can begin.

    Eversource will ask when a new attacher coming into one or more of its cities or towns that they contact the city or town to communicate their plan so the city or town is aware its deployment plans could affect the municipal pole owned attachments within that city or town. Cities and towns should approve these new attachers as they do with wireless companies so that there are not multiple attachers trying to build out in the same municipality at the same. Eversource coordinates with other pole owners because the pole owners need applicants to apply to both pole owners at the same time in order to coordinate any required make ready work.

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

    For northern and western Eversource service territory, quite a few municipalities put in place construction moratoriums in the winter months. This delays some work until the

spring. In these situations, work is best submitted in the spring, summer and fall seasons of the year.

For Cape Cod, Martha's Vineyard and the southeastern Eversource service territory, quite a few municipalities put in place construction moratoriums in the summer months. This delays some work until the fall. In these situations, work is best submitted in the winter, spring, and fall seasons of the year.

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

    Eversource collective bargaining lineman will not move communication attachments. There may be some cases where a new attacher might reach out to municipalities and other attachers to ask if they can move their attachments in order to perform make ready work in the communications space move faster.

25. 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 estimated. After the work is completed, there is a true up and the actual costs are billed.

    Make ready cost estimates are developed based on the current cost of labor and material for each task required to be completed for the new attacher. These estimates are developed through Eversource's work management system and then invoiced to the attacher requesting the work to be performed. These estimates are sent to the attacher for its approval. Once the attacher approves, a formal invoice is created and sent to the attacher for payment. After the work is completed, there is a true up and the actual costs are billed.

    If any disputes arise per the Pole Attachment Agreement, the attacher disputing the costs would put the amount in dispute into escrow until dispute is resolved.

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

    Emergency work is generally considered work that: (1) is needed to address a safety risk to the public or Eversource employees, (2) is critical to the integrity of the distribution system, or (3) addresses an existing or imminent outage.

27. 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.

Currently, the poles in western Massachusetts are inspected over a 15-year cycle. In the near future, they will be inspected over a 10-year cycle like the poles in eastern Massachusetts. GEOFORCE, which inspects the pole, uses the IML tool which provides extremely accurate integrity results, and is an improvement over the traditional sound and bore process with a visual inspection. Recently, our standard has been updated and all of MA poles are inspected over a 10-year cycle going forward.

The replacement of a priority reject pole is done within 10 calendar days, but Eversource tries to complete these poles within a week. Normal reject poles are usually replaced within three months because of the need to provide engineers the time to write up the jobs based on the information provided from the pole inspection.

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

In the event that the survey determines there is insufficient space for a new attachment, the cost for rearranging the attachments or the installation of a new pole is charged to the applicant as a make ready cost. If a NESC violation is in the electric space and cannot be addressed prior the new attachment being installed, the pole replacement is deemed non-billable to the attacher. If the violation is in the communications space and cannot be addressed prior the new attachment being installed, the costs of the pole set by Eversource is still born by the new attacher.

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

Eversource does not allow boxing on its poles. Boxing would create unsafe conditions for utility workers and would violate the NESC Rule 236 on Climbing Utility Poles. Due to boxing a pole could not be climbed to make any repairs. Boxing would require Eversource to use more bucket trucks and more personnel to perform repairs on boxed poles that could have been accomplished with a single worker climbing a pole. Boxing would lead to increased costs for electric ratepayers when replacing poles for routine and storm restoration. It would also result in longer outage and pole replacement timelines. For instance, boxing would increase the amount of time to replace poles during outages. It would degrade reliability In Massachusetts.

If boxing is mandated, in order to keep utility workers safe, Eversource would set poles behind existing poles. As a result, boxed third-party attachers would have to splice their fiber in multiple places to get to the licensed side of the pole they are attached. Boxing method would cause Eversource utility workers to attempt to weave a new pole in-between existing high voltage wires. Boxing should be the exception and not the norm. Boxing should not be allowed because an attacher wants to avoid paying make ready costs.

Eversource would note that in Connecticut, where boxing is allowed, a backlog of double poles has developed which led PURA to impose fines. Furthermore, in Connecticut, boxing has led to higher costs for electric customers and increased the amount of time to outages and replace poles.

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

    Pole replacements are identified for every job type such as emergent, routine, customer, etc. Eversource compatible units in Maximo identify custodianship, or which joint company will be replacing the pole. The Maximo platform ties in prerequisites to follow up on pole replacements which tie into the NJUNS database as a method of reference to identify the setting of poles. Exchange notifications between Eversource and Verizon are also tied into internal prerequisite reporting, to assist with identifying company responses. There are existing reports that are refreshed weekly to follow through with the managing of pole replacements and the task to enter or verify pole sets into NJUNS. Weekly internal PowerBI reporting also shows outstanding Eversource transfers or pull poles via the NJUNS platform and is managed through the operation and planning teams.

31. 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).

    Please see above response.

32. 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.

    For emergent work, in general, the first available resource would be the first to be assigned. For routine work, the general preference of Eversource is to fully utilize internal labor first. These employees work pursuant to a collective bargaining agreement. If Eversource estimates additional resources are needed to complete work on schedule, outside contractors can be utilized to fill the resource gap and complete the work. Eversource contracts for Blue Sky work which covers various contractor of choice ("COC") programs are not utilized for Emergency Response ("ERP") work support. Any work performed under COC contracts during Blue Sky can be for support such as a pole strike or similar issues. Contractors can be eligible for straight time, overtime, or double time based on the parameters of the support.

    The overhead COC contract process follows a robust Request for Proposal ("RFP") process. Contractors are evaluated on both a technical basis and a commercial basis. Eversource procurement completes the final overall review and determines the contractors who will be considered for a COC contact.

For ERP support the contracts will vary slightly specific to overhead contracts. There are two types of contracts. The first is the overhead COC's and have ERP work provisions within the COC contract. The second contract type specific to overhead contractors is the ERP overhead line or storm contracts. These can be agreements with any overhead resource that meets the criteria for a contract. Terms are consistent with that of ERP work.

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 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 3 and 4 broadband providers. Therefore, the current Massachusetts pole attachment process has not hindered the widespread deployment of broadband in Massachusetts.

   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 to 90 days to review the make-ready designs and estimates developed by the Company. This amount of time 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 section while Verizon's survey examines the communications section. 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 time. The FCC considers large pole attachment applications to be 3,000 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, which presents unacceptable safety and reliability risks and often results in attachments that do not meet applicable standards. Unfortunately, at times, in the process of placing an attachment in the communications space, these unqualified workers encroach into the power space. 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 shouldn't matter what type of company is attaching to the pole, if they are paying their fair share to be attached and are not charged differently 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 3 or 4 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 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 regard 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 regard 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 its only for simple (not complex) make-ready work in the communications space, 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 as well as work related to priority reliability projects. In regard 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 number of pole applications with the expectation that the timelines will not be met 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 at one time.

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 support having EVSEs on their 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 be considered and developed to address EVSEs.

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 D.T.C. 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 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 awkward 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 refer to Attachment ES-D-1

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

   There are 3,273 double poles in the Company's service territory.

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.

   There are 2,848 double poles remaining longer than 90 days from the install date in the Company's service territory.

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

   The Company does not install or plan to install a double pole. Double poles occur as a result of the installation of new pole, the time taken by other pole attachers to transfer their attachments, and the time taken to inform the pole custodian that the transfers have been completed, and the time needed by the pole custodian to remove the old pole. The circumstances surrounding the installation of a new poles could include: emergent repair, system upgrades, and upgrading to allow more space compliance for third party pole attachers. The Company cannot explain why there are delays by other pole attachers to transfer their attachments. In the circumstances when the Company is the pole custodian, and it is informed that all the pole attachments have been transferred, the Company expeditiously removes the old pole. Typically, after notification that a pole is ready for removal, the doble pole is removed typically within 90 days for Eversource.

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.

   When a double pole is jointly owned by both the telecommunication company such as Verizon and Eversource, Eversource and the telecommunications company will coordinate pole setting and removals using the NJUNS system. The pole custodian will set the poles, and then update NJUNS to alert other attachers of the need to transfer off the old pole and onto the new pole. Once all transfers are complete, the custodian is alerted, and will then schedule the old pole removal. Generally, the Company completes these removals within 90 days of the last attacher clearing the pole.

   When the pole is solely owned by Eversource, a similar process occurs. The pole custodian, Eversource, will set the poles, and then update NJUNS to alert other attachers of the need to transfer off the old pole and onto the new pole. Once all transfers are complete, Eversource is alerted, and will then schedule the old pole removal. Generally, Eversource completes these removals within 90 days of the last attacher clearing the pole.

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

   In order to safely and efficiently remove a double pole, all attachers should be transferred off or removed from the old pole to the new pole. The custodian of the pole then needs to be alerted that the pole is ready for removal. If there is a delay in either of these conditions, it could cause a delay in the custodian removing the pole of greater than 90 days. There may be exceptional where the Company may not be able to eliminate a double pole with 90 days of notification that a pole is ready to be removed. For instance, a storm outage may cause a delay in removing a double pole.

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?

   If more equipment related to clean energy or broadband deployment are attached to poles, there may be a need for taller poles to provide the space needed for these new attachments. Installing more new poles could lead to an increase in double poles on a temporary basis. Delays in the removal of double poles are generally caused by the amount of time pole attachers, other than the Company, need to transfer their 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 one pole attachment complaint 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, Eversource and National Grid 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, Eversource and National Grid 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.

Eversource and National Grid encourage all customers to assess their EVSE options when designing charging projects. Informed by the Utility pole-mounted EVSE installed in MA, Eversource and National Grid 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.

Eversource and National Grid 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, Eversource and National Grid recommend ongoing support for public charging that can assist customers, such as municipalities in exploring options. Additionally, Eversource and National Grid 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, Eversource and National Grid 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.

Eversource and National Grid 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, Eversource and National Grid 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, Eversource and National Grid recommend ongoing support for public charging that can assist customers, such as municipalities in exploring options.

   Eversource and National Grid 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, Eversource and National Grid 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.

Eversource and National Grid encourage all customers to assess their EVSE options when designing charging projects. Informed by the Utility pole-mounted EVSE installed in MA, Eversource and National Grid 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?

   Eversource and National Grid 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, Eversource and National Grid'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, Eversource and National Grid 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. Eversource and National Grid 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.

Eversource and National Grid 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:

NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY

By its attorneys,

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