

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

CRC Communications LLC, d/b/a OTELCO,

Complainant,

v.

Massachusetts Electric Company d/b/a National  
Grid, and Verizon New England Inc.,

Respondents.

D.T.C. 22-4

**REBUTTAL TESTIMONY OF  
DAVID ALLEN  
ON BEHALF OF  
CRC COMMUNICATIONS LLC, d/b/a OTELCO**

May 29, 2024

## Table of Contents

I.	INTRODUCTION .....	1
A.	WITNESS IDENTIFICATION .....	1
B.	PURPOSE OF TESTIMONY .....	1
C.	SUMMARY OF TESTIMONY .....	1
II.	TESTIMONY .....	2
A.	EXISTING SURVEY DATA IS SUFFICIENT TO EVALUATE BOXING.....	2
B.	EXISTING SURVEY INFORMATION IS NOT OUTDATED.....	6
C.	RESURVEYS ARE NOT NEEDED IN THIS CASE.....	8
D.	RESURVEYS SHOULD ONLY BE PERFORMED IN RARE CASES .....	9
E.	RESURVEY COSTS SHOULD BE PAID BY THE PARTY WHO CREATED THE NEED FOR RESURVEYS .....	10
F.	PROPOSED RESURVEY PROCESS.....	11
III.	CONCLUSION.....	14

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**PRE-FILED TESTIMONY OF  
DAVID ALLEN  
ON BEHALF OF  
CRC COMMUNICATIONS LLC, d/b/a OTELCO**

**I. INTRODUCTION**

**A. WITNESS IDENTIFICATION**

**Q. Please state your name and job title.**

A. My name is David Allen. I am currently General Manager and Senior Vice President at Otelco, Inc., parent company of CRC Communications LLC (“OTELCO”).

**Q. Have you previously provided testimony in this proceeding?**

A. Yes, I previously provided pre-filed Direct testimony in support of OTELCO’s Original Complaint, and a declaration in support of OTELCO’s Motion for Enforcement of the DTC Final Order.

**B. PURPOSE OF TESTIMONY**

**Q. Please explain the purpose of your testimony.**

A. The purpose of my Rebuttal testimony is to respond to the testimony provided by David Wolanin on behalf of Verizon New England Inc. (“Verizon”), and Joy Banks on behalf of Massachusetts Electric Company d/b/a National Grid (“National Grid”). Additionally, my testimony addresses assertions made in Verizon’s and National Grid’s (collectively, “Pole Owners”) responses to the DTC’s Third Set of Information Requests.

**C. SUMMARY OF TESTIMONY**

**Q. Would you briefly summarize the areas upon which you are testifying?**

1 A. My testimony addresses: (1) why the existing survey information is more than sufficient  
2 to determine the feasibility of boxing; (2) OTELCO's review and analysis of the existing  
3 survey information as applied to OTELCO's boxing requests; (3) the typical time period  
4 that elapses between conducting a pre-construction survey, beginning make-ready work  
5 and constructing attachments; (4) how adjustments are typically made in the field in  
6 response to changed conditions; (5) OTELCO's pre-construction survey ("Survey") costs  
7 to date; (6) the lack of candor and transparency by Verizon and National Grid leading to  
8 the unreasonable delays in processing OTELCO's access requests and creating concerns  
9 that additional Surveys ("Resurveys") are necessary; (7) OTELCO's proposed procedure  
10 to conduct resurveys, if required to do so; and, (8) additional claims and testimony  
11 proffered by Verizon and National Grid.

12 **II. TESTIMONY**

13 **A. EXISTING SURVEY DATA IS SUFFICIENT TO EVALUATE BOXING**

14 **Q. Please describe the pole information necessary to evaluate whether a pole can be**  
15 **boxed without creating safety, reliability or engineering concerns.**

16 A. Pre-construction surveys are performed to determine whether a pole can accommodate  
17 additional attachments, including those constructed using opposite-side construction  
18 ("boxing"). Generally, a pre-construction survey will record all pertinent information  
19 needed to evaluate whether a pole has sufficient space to accommodate another attachment,  
20 including: the pole size (i.e., pole height and class); the precise height on the pole of each  
21 municipality, fiber, cable television system ("CATV") and/or telephone company  
22 ("Telco") attachments; height of electric attachments including lines, drip loops and

transformers (aka “XFMR”) for purposes of determining the required separation of communications lines from energized conductors and equipment; the presence of guy wires; the presence of risers; span related information; and existing non-compliance. If attachments are constructed on the street side, where attachments typically are constructed, the Survey information is used to determine the attachment design, i.e., where the proposed attachment should be placed and whether any make-ready work is required to accommodate the attachment. The same process applies to boxing requests. Even if a pole is already boxed, there generally will be space available on the field side to accommodate the boxed attachment while maintaining required separation between other communications facilities. Additionally, the presence of additional equipment, and whether such equipment is able to be mitigated around (and thus is accessible by ladder or bucket truck) is also relevant to evaluating boxing feasibility.

**Q. Do the existing Surveys contain sufficient information to evaluate boxing requests?**

A. Yes. The existing Surveys include all information necessary to evaluate the feasibility of OTELCO’s boxing requests. Specifically, the existing Survey information, submitted by OTLECO, contains all the information described above, including information concerning the height of existing attachments (*see* Exhibit 5s, Form 3s), span information (*see* Verizon Prelims and O’Calc Reports), additional equipment on the poles (*see* all Survey Information) and photographs (IKE Photographs, O’Calc Reports) of each pole which show the base of the pole. Additionally, with the physical location of each pole, nearly every pole can be viewed on Google Maps and Earth.

1 **Q. Were you able to determine whether Verizon’s “As of Now” conditions were present**  
2 **on poles OTELCO requested to box using the existing Survey information?**

3 A. Yes. To elaborate, during the complaint proceeding,<sup>1</sup> Verizon Senior Engineer, David  
4 Wolanin, provided the following “As of Now” standards that he stated would be used to  
5 assess boxing requests: whether a pole has side-taps, is a corner pole, has a conduit riser or  
6 other large equipment in the communications space, or is on an embankment. Mr. Wolanin  
7 stated surveys may reveal additional conditions for consideration in assessing boxing  
8 requests. While I do not agree that presence of one or more of these conditions necessarily  
9 means boxing creates a safety, reliability or engineering issue, OTELCO personnel  
10 reviewed all boxing requests against the Survey information to determine whether any of  
11 these conditions existed on the relevant poles. OTELCO’s results are found in its Boxing  
12 Data Compilation Spreadsheet, submitted in this proceeding.

13 **Q. Based on OTELCO’s review, how many of the poles that OTELCO requested to**  
14 **box have one or more of Verizon’s “As of Now” conditions?**

15 A. Of the 721 poles reviewed, 237 of the poles have one or more of the Verizon “As of Now”  
16 conditions present and 424 of the poles do not have any of the conditions present.

17 **Q. Do you believe the 424 poles that do not have any of Verizon’s “As of Now”**  
18 **conditions should be boxable?**

19 Yes, I do. While it is possible there could be a condition on one of these poles that would  
20 create a safety, reliability or engineering concern, it is unlikely. Where such conditions do

---

<sup>1</sup> See Attachment B, Declaration of Larry Slavin (Feb. 21, 2023) (Email from D. Wolanin to D. Allen (Dec. 13, 2022)).

1 exist, OTELCO's contractors are trained and qualified to address such conditions prior to  
2 attaching OTELCO's facilities..

3 **Q. Do you believe that boxing should be prohibited on the 237 poles that have one or**  
4 **more of the Verizon "As of Now" conditions present?**

5 A. No. While one or more of these conditions may create a safety, reliability or engineering  
6 concerns, specific evaluation on a pole by pole basis is required to make a final  
7 determination as to whether boxing is feasible. Please refer to the Rebuttal Testimony of  
8 Larry Slavin and Joseph Teed for their testimony regarding boxing standards and  
9 OTELCO's evaluation of boxing using the existing Survey information.

10 **Q. Have you conducted a more in-depth analysis using the existing Survey information**  
11 **to determine whether OTELCO's boxing requests are feasible?**

12 Yes. To be clear, OTELCO conducted two reviews of the pole conditions using the  
13 existing Survey information. First, OTELCO reviewed the existing Survey information to  
14 determine whether any "As of Now" conditions existed on the poles to demonstrate this  
15 information can be found in the existing Survey information and no Resurveys are  
16 necessary to obtain new information. Then, OTELCO reviewed the existing Survey  
17 information for several poles to determine whether boxing the pole would create any safety,  
18 reliability or engineering concerns, and how boxing would be constructed on the specific  
19 pole, commonly referred to as "Desktop Engineering." OTELCO's Director of  
20 Construction, Joe Teed, is also submitting testimony to describe the Desktop Engineering  
21 process.

**B. EXISTING SURVEY INFORMATION IS NOT OUTDATED**

**Q. The Pole Owners admit they do not have a written policy regarding when a survey is considered expired, but National Grid claims they review survey viability after 180 days. Do you agree the existing Surveys are outdated after 180 days?**

No, I do not. Due to delays in conducting pre-construction surveys, providing make-ready estimates and performing make-ready work, there is typically a significant time gap between gathering Survey information and performing make-ready work which does not result in Resurveys or significant problems in completing make-ready work or constructing attachments. The Pole Owners do not typically guarantee they will perform make-ready work by any specific deadline. In OTELCO's experience the Pole Owners frequently take more than six months to commence make-ready work and two or more years to complete make-ready work. Thus, the survey data is months, if not years, old prior to completion of make-ready work. In my experience, even with significant delays such as these, the Survey information is still relied upon without issue. Although there have been considerable delays in processing OTELCO's applications, the Survey information is still viable and should be used in conjunction with other information in the Pole Owner's possession to evaluate boxing requests now.

**Q. At what point do you believe Survey information becomes outdated?**

A. Survey information may become "outdated" if conditions on the pole change that impact the proposed attachment. Even if something is added in the power space above the lowest energized conductor, the survey information is not outdated for purposes of assessing required surface clearance or separations. Pole conditions that could impact



1 the ability to attach a facility on the opposite side of the pole (i.e., to box the pole)  
2 include construction of additional attachments in the communications space on either  
3 side of the pole, addition of a riser, addition of a side tap, or a pole replacement. Given  
4 that the poles OTELCO seeks to box have been identified as needing replacement to  
5 accommodate another communications attachment and in light of the pole owners'  
6 stances on the use of boxing, there is no reason to believe that either of these conditions  
7 have changed. If a pole is replaced, the boxing request is moot. If a riser or guy has been  
8 added, OTELCO's contractors are trained and qualified to assess the changed condition  
9 and are instructed not to attach a facility that would create a safety, reliability or  
10 engineering concern.

11 **Q. Joy Banks testifies that National Grid has completed numerous capital projects, had**  
12 **68 storm events and conducted third party attachment work since the original**  
13 **surveys were performed. Would such additional work change conditions on poles**  
14 **such that new surveys are required to evaluate boxing requests?**

15 **A.** No, I do not believe new surveys are required as it is unlikely changed conditions would  
16 negatively impact boxing feasibility. The relevant inquiry is not limited to whether there  
17 have been any such changes over time, but whether such changes would materially  
18 impact OTELCO's attachment requests, whether the Pole Owners should be aware of  
19 such changes, and whether modifications can be made in the field to address such  
20 changes. Please see the Rebuttal Testimony of Joe Teed explaining how changed  
21 conditions can be addressed in the field.

1 **Q. In your opinion, would the possibility of any changed conditions on the poles merit**  
2 **conducting new surveys?**

3 A. Not in this case. The Pole Owners should be aware of any new third party attachment  
4 work. Any new surveys conducted for additional third party attachments are within their  
5 custody and control. Likewise, records of any capital projects, storm restoration or other  
6 work and the associated internal surveys are within their custody and control. While Joy  
7 Banks asserts that National Grid “does not have a centralized system that cross-references  
8 all work and field touch points, such as capital work, third-party attachments, and storm  
9 restoration,”<sup>2</sup> she necessarily acknowledges the existence of such records. Maintenance  
10 of such records by pole number and location is a best practice for any utility. I cannot  
11 agree that conducting new surveys at OTELCO’s expense is reasonable, especially where  
12 the Pole Owners have failed to produce all relevant information on the poles that is in  
13 their possession, routinely delay the commencement of make-ready work to the point the  
14 existing surveys are over 180 days old before such work is commenced, and were the  
15 cause of the delays in reviewing OTELCO’s boxing requests in the first place.

16 **C. RESURVEYS ARE NOT NEEDED IN THIS CASE**

17 **Q. Are additional surveys (“Resurveys”) required to evaluate boxing requests?**

18 A. No. As explained, all the information needed to fully evaluate the boxing requests is  
19 already recorded in the existing Surveys and such information is not outdated. A  
20 determination as to whether OTELCO’s proposed boxing attachments would create any

1 safety, reliability of engineering concerns can be made using the existing Survey  
2 information.

3 **D. RESURVEYS SHOULD ONLY BE PERFORMED IN RARE CASES**

4 **Q. National Grid asserts that Resurveys are common practice. Do you agree?**

5 A. No, I do not. In fact, I am not aware that OTELCO was ever required to pay for  
6 Resurveys due to outdated surveys to any other Pole Owner. Resurveys increase  
7 deployment costs considerably, and should only be performed if the original Surveys are  
8 missing critical information, and then, the Resurveys should be limited in scope to collect  
9 only the missing critical information..

10 **Q. Verizon states that a customer paid for Resurveys after not paying the make-ready**  
11 **estimate for 18 months and requesting alternative make-ready work. Do you think**  
12 **Resurveys were appropriate in that case?**

13 A. I do not know the circumstance of that situation, but probably not. While I do not doubt  
14 that other attaching entities have acquiesced to Pole Owner demands to pay for  
15 Resurveys, that does not mean the Resurveys were necessary. That said, Verizon does  
16 not provide sufficient information to evaluate how long it has been since the actual  
17 surveys were conducted and the customer paid the make-ready charges, which in  
18 OTELCO's experience can be a significant amount of time. In order to gain faster access  
19 to poles, OTELCO is often forced to pay fees it considers unreasonable and unnecessary.

20 **Q. National Grid states that OTELCO agreed to pay for a Resurvey due to an**  
21 **Outdated Survey. Does OTELCO believe Resurveys are appropriate in this case?**

1 A. With regard to the Resurvey referenced by National Grid, I do not specifically recall  
2 paying for a resurvey for a single pole. OTELCO is frequently forced to pay  
3 unreasonable fees in order to gain access to poles without delay. When faced with the  
4 option of either paying for a *single resurvey for a single pole* or delaying deployment by  
5 an indeterminate amount of time because a Pole Owner refused to grant access until the  
6 single resurvey was performed, OTELCO would agree to pay the resurvey fees for one  
7 pole. Here, OTELCO's choice to challenge the Resurvey fees is equally clear, but for  
8 different reasons. OTELCO must evaluate the feasibility of its deployment with regard to  
9 the costs of access and time to market of its services. Resurvey fees add both  
10 considerable additional costs and delays to OTELCO's deployment. Moreover, while  
11 OTELCO fights for access to poles on reasonable terms and conditions, other providers  
12 (possibly Verizon) are gaining an insurmountable competitive advantage over OTELCO.

13 **START CONFIDENTIAL** [REDACTED]

14 [REDACTED]

15 [REDACTED] **END CONFIDENTIAL**

16 **E. RESURVEY COSTS SHOULD BE PAID BY THE PARTY WHO**  
17 **CREATED THE NEED FOR RESURVEYS**

18 **Q. How much has OTELCO already paid in Survey costs?**

19 A. According to our records, in addition to \$26,102.14 paid to National Grid in application  
20 fees, OTELCO has paid National Grid's contractor, Osmose, \$589,142.06 for  
21 preconstruction survey work. OTELCO has paid Verizon \$272,735.00 for survey fees.

22 **Q. If Resurveys are allowed, who should pay for them?**

1 A. While I do not agree Resurveys are necessary, if the DTC believes such surveys are  
2 needed, Pole Owners should be required to pay for any Resurveys as the delays in  
3 commencing make-ready work are due to the Pole Owners' misstatements regarding  
4 whether they allowed boxing on poles and whether they had sufficient information in the  
5 existing Surveys to evaluate OTELCO's boxing requests.

6 **F. PROPOSED RESURVEY PROCESS**

7 **Q. Verizon proposed resurveying 1,908 poles at a cost of approximately, \$76,000 -**  
8 **\$86,000, to OTELCO. National Grid proposed resurveying all 6,610 poles included**  
9 **in OTELCO's applications at a cost of approximately \$526,089.90, plus "hot stick"**  
10 **charges of \$106.876 \* 1/3 for any poles OTELCO's seeks to box. Verizon contractor**  
11 **PIKE estimates resurveys will take about 6 hours per pole plus 2 hours roundtrip**  
12 **travel time. National Grid states that OTELCO's applications would "progress**  
13 **through the standard third-party application process" which would take at least 171**  
14 **days, but likely longer. Is this acceptable to OTELCO?**

15 A. No. Considering OTELCO's current investment, the added costs and delays of  
16 Resurveys as proposed by the Pole Owners pushes the costs of deployment far beyond  
17 the pale. **START CONFIDENTIAL** [REDACTED]

18 [REDACTED]

19 [REDACTED] **END CONFIDENTIAL**

20 **Q. Please describe OTELCO's preference as to how Resurveys should be performed.**

21 In the event Resurveys are allowed, the Resurveys should be performed by a single  
22 contractor and limited in scope to a determination as to whether any conditions have

1 changed on the poles OTELCO requests to box. A neutral third party contractor should be  
2 retained to confirm no conditions have changed on the Pole, or note any changed  
3 conditions. The Pole Owners should be required to pay for the costs of the Resurveys and  
4 the Resurveys should be completed in thirty days from issuance of an Order in the matter.

5 **Q. Are you aware of any third party contractors who are ready and willing to conduct**  
6 **Resurveys?**

7 A. Yes, in an effort to find an expeditious path forward for OTELCO's deployment, I  
8 contacted System One Holdings d/b/a MOUNTAIN LTD. ("Mountain Ltd"), to discuss  
9 their services. Mountain Ltd's licensed professional engineers have extensive field  
10 experience in the Northeast with Telecommunications attachers and pole owners alike,  
11 providing preconstruction surveys and audits of poles. A description of Mountain Ltd is  
12 attached hereto as Attachment B. Mountain Ltd is available to conduct pre-construction  
13 surveys related to OTELCO's boxing requests. Additionally, Mountain Ltd. is qualified  
14 and available to perform Desktop Engineering of OTELCO's boxing requests and  
15 provide their professional assessment of boxing feasibility for all requested poles in thirty  
16 (30) days. If additional surveys are required, however, and given how much OTELCO  
17 has already paid to date for the existing Survey information, it would be unjust and  
18 unreasonable to require OTELCO to bear the expense of such surveys or to be forced to  
19 wait for the Pole Owners preferred contractors to conduct such surveys in the time period  
20 they proposed.

1 **Q. Do you have any other immediate concerns regarding the Pole Owners' evaluation**  
2 **of OTELCO's boxing requests based on their responses to the DTC's Information**  
3 **Requests and Testimonies?**

4 A. Yes, several. My most immediate concern is that OTELCO will incur further costs for  
5 Resurveys which are neither reasonable nor necessary, only to have the Pole Owners'  
6 refuse to allow boxing where it is feasible and does not create safety, reliability or  
7 engineering concerns. Please see the testimony of Larry D. Slavin for a discussion of the  
8 appropriate Standard to be utilized in evaluation boxing requests.

9 **Q. In light of these concerns, how do you propose the DTC should ensure compliance**  
10 **with the Final Order?**

11 A. OTELCO urges the DTC to retain jurisdiction over the continued implementation of its  
12 Order by requiring the use of a neutral third party contractor to perform Desktop  
13 Engineering of OTELCO's boxing requests and only collecting additional field  
14 information where needed to complete the review. Following this review, the third party  
15 contractor should present its determinations as to which poles are boxable and which  
16 poles should not be boxed due to safety, reliability and engineering concerns. All parties  
17 should be provided thirty (30) days to review the results and object to any determinations  
18 by submitting pole specific reasons demonstrating that boxing will create a safety,  
19 reliability or engineering concern or will not. OTELCO proposes that the parties would  
20 then have seven (7) days to provide a response to any challenges to the boxing  
21 determinations. The third party contractor could also provide a response to any filed  
22 challenge to the boxing determinations within seven (7) days. If either OTELCO or the

1 Pole Owners fail to respond in the allotted thirty (30) day time period, the boxing  
2 determination should be deemed binding. Any filed objections to the final boxing  
3 determinations should be reviewed by the DTC for a final, binding decision. Once the  
4 boxing determinations have been completed, National Grid would be required to issue  
5 itemized invoices for all remaining make-ready work on a pole by pole basis. OTECLO  
6 should only be required to pay for 50% of the make-ready estimates up front (to avoid  
7 delays associated with any challenged to the reasonableness of the estimated costs).  
8 Upon payment of 50 percent of the invoices, the Pole Owners should be required to  
9 complete any required make-ready work within ninety (90) days . If the Pole Owners are  
10 unable to do so, then OTELCO should be permitted to construct temporary attachments  
11 and proceed with its deployment immediately and with the full cooperation of the Pole  
12 Owners. Further, if the Pole Owners do not reasonably believe they could complete  
13 make-ready work within ninety (90) days due to unavailability of their preferred  
14 contractors, OTELCO requests they share this information now, rather than allowing  
15 another three months to elapse before OTELCO is granted access to poles. OTELCO  
16 pledges to work cooperatively with the Pole Owners to construct all temporary  
17 attachments in a safe and NESC compliant manner, and to expeditiously convert any  
18 temporary attachments to permanent attachments upon completion of required make-  
19 ready work.

20 **III. CONCLUSION**

21 **Q. Do you swear that your testimony is true and accurate to the best of your**  
22 **knowledge?**



1 A. Yes.

2 **Q. Does this conclude your pre-filed testimony?**

3 A. Yes.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

By:

A handwritten signature in dark ink, appearing to read 'David Allen', written over a horizontal line.

David Allen

Dated: May 29, 2024