

**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

**OTELCO'S RESPONSES TO
NATIONAL GRID'S SECOND SET OF INFORMATION REQUESTS**

CRC Communications LLC d/b/a OTELCO ("OTELCO") responds as follows to the Second Set of Information Requests from Massachusetts Electric Company d/b/a National Grid ("National Grid") to OTELCO.

General Objections

OTELCO makes the following general objections to the information requests, and incorporates these general objections by reference into each specific response:

1. OTELCO objects to each request, including any subpart, to the extent that it is inconsistent with, or purports to impose obligations beyond those contained in the rules, procedures, and practices of the Department of Telecommunications and Cable ("DTC").
2. OTELCO objects to each request, including any subpart, to the extent that it is vague, confusing, overly broad, not calculated to lead to the discovery of relevant information, and disproportional to the needs of this proceeding. OTELCO will interpret the requests reasonably and in good faith, in accordance with common English usage and its obligations under Massachusetts law.
3. OTELCO objects to each request, including any subpart, to the extent that it purports to require a response by parties other than the named parties, including but not limited to subsidiaries and parents and all entities owned or controlled by any such subsidiaries or parents.

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Dated: August 2, 2022

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to National Grid's Second Set of Information Requests

Respondent: David Allen

Title: General Manager and Senior Vice President, Otelco, Inc.

Objection by: Maria T. Browne

Response Dated: August 2, 2022

REQUEST NO: NG-OTELCO-2-1

REQUEST: Refer to the DTC-OTELCO 1-4, DTC-OTELCO 1-5, and DTC-OTELCO 1-21 (Supplemental). Please provide a list of injuries and/or safety incidents involving boxing on:

- (a) Granby Telephone Company's poles in Massachusetts; and
- (b) Any facilities of OTELCO or an OTELCO affiliate in Massachusetts or any other jurisdiction.

For each incident, please identify the jurisdiction, date, and describe the nature of the incident.

OBJECTIONS: OTELCO objects to this request on the grounds that it is overly broad, unduly burdensome, not calculated to lead to the discovery of relevant information, and disproportional to the needs of this proceeding.

RESPONSE: Subject to and without waiving these objections, OTELCO responds as follows:

- a) OTELCO is not aware of any injuries and/or safety incidents involving boxing on Granby's poles in Massachusetts.
- b) OTELCO is not aware of any injuries and/or safety incidents involving boxing on facilities of OTELCO or an OTELCO affiliate in Massachusetts or any other jurisdiction.

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Respondent: David Allen

Title: General Manager and Senior Vice President, Otelco, Inc.

Objection by: Maria T. Browne

Response Dated: August 2, 2022

REQUEST NO: NG-OTELCO-2-2

REQUEST: Refer generally to the DTC-OTELCO 1-4 and DTC-OTELCO 1-21 (Supplemental). Has OTELCO or any OTELCO affiliate been accused by any pole owner, third party attacher, or governing authority, in any jurisdiction, of:

- (a) Unauthorized attachments;
- (b) Sub-standard attachments, including but not limited to, a violation of the Manual of Construction Procedures (Blue Book), Electric Company Standards, the National Electrical Code (NEC), the National Electrical Safety Code (NESC) and rules, regulations and provisions of the Occupational Safety and Health Act (OSHA), or any governing authority having jurisdiction over OTELCO's or an OTELCO affiliate's pole attachments.

If yes to either subpart (a) or (b), please identify the jurisdiction, date, describe the nature of the accusation, and ultimate disposition and/or resolution.

OBJECTIONS: OTELCO objects to this request on the grounds that it is overly broad, unduly burdensome, not calculated to lead to the discovery of relevant information, and disproportional to the needs of this proceeding.

RESPONSE: Subject to and without waiving these objections, OTELCO responds as follows:

- (a) OTELCO and its affiliates are attached to others' poles in Connecticut, Maine, Massachusetts, Vermont, Alabama, and Pennsylvania. Each of the pole owner agreements governing OTELCO's attachments in each of these states defines unauthorized attachments somewhat differently. Most commonly, however, an unauthorized attachment is considered to be one that is made without having been permitted as required by the agreement. OTELCO does not maintain records of pole owner "accusations" of unauthorized attachments. In Respondent's experience working for OTELCO and other attachers, unauthorized attachments are commonly

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uncovered when the pole owner conducts an inventory of the facilities attached to its poles. In some cases, the inventory will show that a provider is attached to more poles than for which it is being invoiced (and occasionally the opposite is true). If there is an identified billing shortfall, OTECLO or its affiliate, will work with the pole owner to confirm the accuracy of the inventory information. If accurate, the company will remedy the issue in accordance with the terms of the governing pole attachment agreement (all attachment agreements and joint use agreements cover this possible scenario). Typically, the remedy is to pay the owner a multiple of back rent deemed to have been owed and to pay for any necessary make-ready work caused by the unauthorized attachments.

- (b) Occasionally, OTECLO or its affiliate, will attach in a manner that is not technically compliant and such non-compliance is not caught in post-construction inspections performed by OTECLO or its affiliate, or the pole owner or its contractor. When such non-compliance is discovered and/or brought to OTECLO's attention and OTECLO confirms that, in fact, its attachment is in violation, it will correct or pay to correct the violation in accordance with the terms of the governing pole attachment agreement. In OTECLO's experience, all pole attachment and joint use agreements anticipate that mistakes will be made and establish a path for correction.

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Respondent: Tom Perrone
Title: Chief Operating Officer, NetSpeed LLC
Objection by: Maria T. Browne
Response Dated: August 2, 2022

REQUEST NO: NG-OTELCO-2-3

REQUEST: Please identify all instances where a pole owner or other third party attacher has alleged damages as a result of opposite side construction by OTELCO or an OTELCO affiliate. For each identified instance, please include the jurisdiction, date, describe the nature of the alleged damages, and ultimate disposition and/or resolution.

OBJECTIONS: OTELCO objects to this request on the grounds that it is overly broad, unduly burdensome, not calculated to lead to the discovery of relevant information, and disproportional to the needs of this proceeding.

RESPONSE: Subject to and without waiving these objections, OTELCO responds as follows: Respondent is not aware of any instances where a pole owner or other third party attacher has alleged damages as a result of opposite side construction by OTELCO or an OTELCO affiliate. However, if this were to happen, OTELCO would accept responsibility and compensate the party whose facilities were damaged.

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Respondent: Tom Perrone
Title: Chief Operating Officer, NetSpeed LLC
Objection by: Maria T. Browne
Response Dated: August 2, 2022

REQUEST NO: NG-OTELCO-2-4

REQUEST: Please identify all instances in all jurisdictions where OTELCO or an OTELCO affiliate has requested boxing but have been denied. For each identified instance, please include the jurisdiction, date, and the denying entity.

OBJECTIONS: OTELCO objects to this request on the grounds that it is overly broad, unduly burdensome, not calculated to lead to the discovery of relevant information, and disproportional to the needs of this proceeding.

RESPONSE: Subject to and without waiving these objections, OTELCO responds as follows: OTELCO has not maintained records that would be responsive to this request. However, neither OTELCO nor an OTELCO affiliate has been permitted to box in every instance in which it has sought to box. OTELCO understands that some poles are not suitable for boxing but posits that most are based on its experience in Connecticut.

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Respondent: David Allen

Title: General Manager and Senior Vice President, Otelco, Inc.

Objection by: Maria T. Browne

Response Dated: August 2, 2022

REQUEST NO: NG-OTELCO-2-5

REQUEST: Refer to NG-OTELCO-1-8, please indicate whether OTELCO or an OTELCO affiliate has pole attachments located in New York and Connecticut and the number of poles upon which OTELCO or its affiliate has an attachment for each state.

OBJECTIONS: OTELCO objects to this request on the grounds that it is overly broad, unduly burdensome, not calculated to lead to the discovery of relevant information, and disproportional to the needs of this proceeding.

RESPONSE: Subject to and without waiving these objections, OTELCO responds as follows: OTELCO and/or OTELCO affiliates have attachments on the following approximate number of poles in Connecticut and New York:

State	Number of Poles
Connecticut	110,000
New York	23,000

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Respondent: David Allen

Title: General Manager and Senior Vice President, Otelco, Inc.

Objection by: Maria T. Browne

Response Dated: August 2, 2022

REQUEST NO: NG-OTELCO-2-6

REQUEST: In each state listed in response to NG-OTELCO 1-8 and for New York and Connecticut, please indicate what is the state's policy on the boxing of poles. Please provide a citation to a legal authority in support of your assertion.

OBJECTIONS: OTELCO objects to this request on the grounds that it is overly broad, unduly burdensome, not calculated to lead to the discovery of relevant information, and disproportional to the needs of this proceeding. OTELCO further objects to this request on the grounds that it seeks information that is publicly available and improperly calls for legal research. As such, this request calls for information that is already in National Grid's possession, custody, or control, or equally available to National Grid. Moreover, OTELCO refers National Grid to the Complaint ¶¶ 43-46 and 53-56, which discuss the boxing policies, practices, and/or regulations of nearby states, including Maine, Connecticut, New Jersey, and New Hampshire, as well as the FCC, which regulates pole attachments in Alabama and Missouri.

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Respondent: David Allen

Title: General Manager and Senior Vice President, Otelco, Inc.

Objection by: Maria T. Browne

Response Dated: August 2, 2022

REQUEST NO: NG-OTELCO 2-7

REQUEST: Please identify the total number of poles that OTELCO or an OTELCO affiliate owns solely or jointly by state.

OBJECTIONS: OTELCO objects to this request on the grounds that it is overly broad, unduly burdensome, not calculated to lead to the discovery of relevant information, and disproportional to the needs of this proceeding.

RESPONSE: Subject to and without waiving these objections, OTELCO responds as follows:

State	Approximate Number of Poles Owned Solely or Jointly by OTELCO or OTELCO Affiliate
Maine	5,759
Alabama	4,052
West Virginia	300
Vermont	60
Massachusetts	OTELCO affiliate Granby Telephone Company currently owns 132 poles in Granby, Massachusetts. <i>See</i> OTELCO's response to DTC-OTEL 1-21.
New York	12,439

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O TELCO's Responses
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Respondent: David Allen

Title: General Manager and Senior Vice President, Otelco, Inc.

Objection by: Maria T. Browne

Response Dated: August 2, 2022

REQUEST NO: NG-O TELCO-2-8

REQUEST: Please provide all joint pole ownership agreements to which O TELCO or an O TELCO affiliate is a party.

OBJECTIONS: O TELCO objects to this request on the grounds that it is overly broad, unduly burdensome, not calculated to lead to the discovery of relevant information, and disproportional to the needs of this proceeding.

RESPONSE: Subject to and without waiving these objections, O TELCO responds as follows: In Massachusetts, O TELCO refers National Grid to O TELCO's first and second supplemental responses to DTC-O TEL 1-21 and Exhibits A and A1 attached thereto.

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Respondent: David Allen

Title: General Manager and Senior Vice President, Otelco, Inc.

Objection by: Maria T. Browne

Response Dated: August 2, 2022

REQUEST NO: NG-OTELCO-2-9

REQUEST: Please describe in detail the current make-ready process for any OTELCO or OTELCO affiliate-owned poles (i) when a pole replacement is required and (ii) when a pole replacement is not required, including for each how costs are determined and allocated among pole owners, current and new attachers, and any other applicable stakeholders.

OBJECTIONS: OTELCO objects to this request on the grounds that it is overly broad, unduly burdensome, not calculated to lead to the discovery of relevant information, and disproportional to the needs of this proceeding.

RESPONSE: Subject to and without waiving these objections, OTELCO responds as follows: In Massachusetts, Art. V and App. I Sec. III of The Granby Telephone and Telegraph Company of Massachusetts, Inc. ("Granby") and Massachusetts Technology Park Corporation. PAA governs make-ready work, including for when a pole replacement is and is not required.

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Respondent: David Allen

Title: General Manager and Senior Vice President, Otelco, Inc.

Objection by: Maria T. Browne

Response Dated: August 2, 2022

REQUEST NO: NG-OTELCO-2-10

REQUEST: Please specify who pays to relocate or remove a non-compliant or illegal attachment when any OTELCO or OTELCO affiliate discovers such an attachment on a pole it owns solely or jointly.

OBJECTIONS: OTELCO objects to this request on the grounds that it is overly broad, unduly burdensome, not calculated to lead to the discovery of relevant information, and disproportional to the needs of this proceeding.

RESPONSE: Subject to and without waiving these objections, OTELCO responds as follows: In Massachusetts, Art. V and App. I Sec. III of The Granby Telephone and Telegraph Company of Massachusetts, Inc. ("Granby") and Massachusetts Technology Park Corporation. PAA governs make-ready work.

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O TELCO's Responses
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Respondent: David Allen

Title: General Manager and Senior Vice President, Otelco, Inc.

Objection by: Maria T. Browne

Response Dated: August 2, 2022

REQUEST NO: NG-O TELCO 2-11

REQUEST: Please explain in detail how O TELCO or O TELCO affiliate ensures that a pole attacher is being billed for only the percentage of make-ready work that results from its attachment on a pole owned solely or jointly by O TELCO or O TELCO affiliate.

OBJECTIONS: O TELCO objects to this request on the grounds that it is overly broad, unduly burdensome, not calculated to lead to the discovery of relevant information, and disproportional to the needs of this proceeding.

RESPONSE: Subject to and without waiving these objections, O TELCO responds as follows: In Massachusetts, Art. V and App. I Sec. III of The Granby Telephone and Telegraph Company of Massachusetts, Inc. ("Granby") and Massachusetts Technology Park Corporation. PAA governs make-ready work.

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Respondent: David Allen

Title: General Manager and Senior Vice President, Otelco, Inc.

Objection by: Maria T. Browne

Response Dated: August 2, 2022

REQUEST NO: NG-OTELCO 2-12

REQUEST: Indicate how many pole attachment applications did OTELCO or OTELCO affiliate process in 2021 for poles owned solely or jointly by OTELCO or an OTELCO affiliate.

OBJECTIONS: OTELCO objects to this request on the grounds that it is overly broad, unduly burdensome, not calculated to lead to the discovery of relevant information, and disproportional to the needs of this proceeding.

RESPONSE: Subject to and without waiving these objections, OTELCO responds as follows: In Massachusetts, OTELCO is not aware of any pole attachment applications that OTELCO or an OTELCO affiliate processed in 2021 for poles owned solely or jointly by OTELCO or an OTELCO affiliate.