

**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
VERIZON MA'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 Verizon New England, Inc. d/b/a Verizon Massachusetts ("Verizon MA") 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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OTELCO's Responses
to Verizon MA'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: VZ-O 2-1

REQUEST: In his Pre-filed Testimony, at 18, David Allen states that, "OTELCO is currently constructed in the bottom attachment position on 16,785 poles in 16 towns in Maine."

- a) Please provide a breakdown of these poles by the year that OTELCO installed its facilities on them.
- b) How many, if any, of these poles does OTELCO own, either solely or jointly?
- c) On how many of these poles is OTELCO the ILEC?
- d) On how many of these poles, if any, did OTELCO overlash its facilities with those of the ILEC?
- e) How many of these poles did OTELCO box, meaning it used opposite-side construction?
- f) How many poles in Maine has OTELCO boxed, including the poles mentioned by Mr. Allen and any others.
- g) For any poles in Maine that OTELCO boxed, how many have since been replaced?

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

RESPONSE:

- a) OTELCO installed attachments to these poles over the course of the last year. Notably, OTELCO has been able to construct its facilities below the incumbent telephone provider ("ILEC"), Consolidated Communications, while maintaining clearance that is six inches above the minimum established by the National Electrical Safety Code ("NESC"). It has done so to address similar concerns to those expressed by Verizon about the need to attach slightly higher than the NESC-minimum due to the impact of extreme weather. Verizon's position – that the lowest attachment must be 2.5' above grade – is extreme. Notably, even if this standard is applied, numerous poles to which OTECLO has sought to attach still have sufficient space to accommodate OTELCO's attaching below Verizon.
- b) OTELCO does not own these poles.
- c) OTELCO is not the ILEC on these poles.

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- d) OTELCO overlashed its ILEC affiliates on approximately 4,000 poles.
- e) OTELCO has not used opposite side construction on these poles. Maine allowed attaching below the ILEC before it changed its rules to allow boxing.
- f) OTELCO is boxed on only a handful of poles in Maine at this time but since the rule change in 2018, has begun factoring this into its deployment plans.
- g) OTELCO has not maintained records that would be responsive to this question.

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Response Dated: August 2, 2022

REQUEST NO: VZ-O 2-2

REQUEST: In his Pre-filed Testimony, at 2-3, Tom Perrone states that, "In the Connecticut market, NetSpeed has built approximately 1,700 miles of state-of-the-art fiber-optic network...."

- a) How many poles is NetSpeed's network attached to in Connecticut?
- b) How many poles in Connecticut did NetSpeed box, meaning it used opposite-side construction?
- c) On how many poles in Connecticut is NetSpeed constructed in the bottom attachment position, below the facilities of the ILEC?
- d) For any poles in Connecticut that NetSpeed boxed, how many have since been replaced?

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

RESPONSE:

- a) NetSpeed is attached to approximately 110,000 poles in Connecticut.
- b) Of the poles to which NetSpeed is attached in Connecticut, it boxed nearly every pole.
- c) OTELCO has not maintained records that would be responsive to this question.
- d) Approximately 20. Tom Perrone, who has submitted testimony in this case, has decades of experience in the industry and, particularly, Connecticut. Based on his long-time experience with boxing and pole replacements, and safety and operational efficiencies, he indicated in his Pre-filed Responsive Testimony that he is not aware of any problems that have arisen in the replacements that were caused by boxing.

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Objection by: Maria T. Browne

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REQUEST NO: VZ-O 2-3

REQUEST: In his Pre-filed Testimony, at 10, Mr. Allen states that, Otelco prepared its budget for Massachusetts “[b]ased on [Otelco’s] experience, and based on good-faith, reasonable assumptions concerning make-ready, construction costs, and application costs”

- a) In preparing its budget, what policies did OTELCO expect that Verizon MA would apply to proposals to box poles?
- b) In preparing its budget, did OTELCO expect that it would be allowed to attach its facilities below the facilities of Verizon MA?
- c) Please describe the steps OTELCO took, if any, prior to or while preparing its budget for Massachusetts to ascertain the policies Verizon MA would apply to proposals to box poles and proposals to attach OTELCO’s facilities below those of Verizon MA.
- d) In preparing its budget, how many poles did OTELCO anticipate attaching to in Massachusetts?
- e) In preparing its budget, how many poles, in absolute terms or as a percentage of the total, did OTELCO anticipate would need to be replaced as part of the make-ready process?

OBJECTIONS: OTELCO objects to this request on the grounds that it is overly broad, 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 calls for information that is already in Verizon MA’s possession, custody, or control, or equally available to Verizon MA.

RESPONSE:

- a) OTELCO’s budget did not factor in boxing or attaching below Verizon. It was based on costs per mile in all of the states in which it has constructed its network. At the time OTELCO prepared its budget for Massachusetts, OTELCO was not in a position to know or anticipate what policies Verizon MA would or would not apply to OTELCO’s subsequent proposals to box poles. Nor did Verizon incorporate any such policies into the Pole Attachment Agreement (“PAA”) entered into between OTELCO and Verizon MA on March 9, 2021. *See, e.g.*, PAA § 6.1. Further, as stated in the Pre-Filed Testimony of David Allen, Verizon did not disclose its policy allowing boxing

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to OTELCO until *after* OTELCO filed the Complaint on April 14, 2022, despite OTELCO's request that Verizon share its policy on boxing during a call that occurred on February 2, 2022. In fact, OTELCO has identified numerous examples where Verizon has used and/or permitted opposite side construction on poles in Northampton, Easthampton, and Palmer, Massachusetts. *See* Exhibit DA-1 at ¶ 14 and Ex. F.

- b) OTELCO's budget did not factor in boxing or attaching below Verizon. It was based on costs per mile in all of the states in which it has constructed its network. At the time OTELCO prepared its budget for Massachusetts, OTELCO was not in a position to know or anticipate whether or not Verizon MA would or would not permit OTELCO to attach below the facilities of Verizon MA. Nor did Verizon incorporate any policies concerning attaching below Verizon MA into the Pole Attachment Agreement ("PAA") entered into between OTELCO and Verizon MA on March 9, 2021. *See, e.g.*, PAA § 6.1.
- c) At the time OTELCO prepared its budget for Massachusetts, OTELCO was not in a position to know or anticipate what policies Verizon MA would or would not apply to OTELCO's subsequent proposals to box poles and/or attach below the facilities of Verizon MA. Nor did Verizon incorporate any such policies into the Pole Attachment Agreement ("PAA") entered into between OTELCO and Verizon MA on March 9, 2021. *See, e.g.*, PAA § 6.1. The parties' PAA provides that OTELCO's facilities "shall be placed and maintained in accordance with the requirements and specifications of the *Telcordia Blue Book – Manual of Construction Procedures*, the National Electrical Safety Code, the National Electrical Code, and rules and regulations issued pursuant to the Federal Occupational Safety and Health Act of 1970 or any governing authority having jurisdiction over the subject matter. *Id.* Further, as stated in the Pre-Filed Testimony of David Allen, Verizon did not disclose its boxing policy to OTELCO until *after* OTELCO filed the Complaint on April 14, 2022, despite OTELCO's request that Verizon share its policy on boxing during a call that occurred on February 2, 2022.
- d) Approximately 34,000 poles.
- e) At the time OTELCO prepared its budget for Massachusetts, OTELCO was not in a position to know or anticipate the number of poles that would be identified as needing to be replaced as part of the make-ready process by Verizon MA's and/or National Grid's outside contractors, Pike Telecom & Renewables, LLC and Osmose Utilities Services, Inc. Notably, information concerning the age and condition of the poles needed to assess the likelihood of replacements is within the exclusive control of the pole owner in Massachusetts. Other states, such as California, have begun requiring pole owners to maintain databases with this information to facilitate increased and non-discriminatory

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access to poles by competitive providers. That said, in states with similar density and infrastructure such as Maine, OTELCO's average pole replacement is less than 5 percent of applied-for poles. OTELCO's current overall build plan for Massachusetts is 945 miles, which it estimates will include about 33,000 poles. OTELCO's budget for Massachusetts of \$25,000 per mile included an assumption of 2.3 pole replacements per mile (approximately 6 percent) at an average cost of \$7,500 per replacement, based on experience in other states.