



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

D.T.C. 22-4

June 27, 2022

CRC Communications LLC d/b/a OTELCO v. Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc.

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**FIRST SET OF INFORMATION REQUESTS  
OF THE DEPARTMENT OF TELECOMMUNICATIONS AND CABLE  
TO CRC COMMUNICATIONS LLC d/b/a OTELCO, MASSACHUSETTS ELECTRIC  
COMPANY d/b/a NATIONAL GRID AND VERIZON NEW ENGLAND INC.**

Pursuant to 207 C.M.R. § 1.06(6)(c), the Department of Telecommunications and Cable (“Department”) submits the following information requests:

Instructions

1. Each request should be answered in writing on a separate page with a recitation of the request, a reference to the request number, the docket number of the case, and the name of the person responsible for the answer.
2. These requests shall be deemed continuing so as to require supplemental responses if any party or its witness(es) receives or generates additional information within the scope of these requests between the time of the original response and the close of the record in this proceeding.
3. The term “provide complete and detailed documentation” means: Provide all data, assumptions, and calculations relied upon. Provide the source of and basis for all data and assumptions employed. Include all studies, reports, and planning documents from which data, estimates, or assumptions were drawn and support for how the data or assumptions were used in developing the projections or estimates. Provide and explain all supporting work-papers. Provide live Excel spreadsheets.
4. The term “document” is used in its broadest sense and includes, without limitation, writings, drawings, graphs, charts, photographs, phono-records, microfilm, microfiche, computer printouts, correspondence, press releases, handwritten and/or typed notes, records, reports, bills, checks, articles from journals and/or other sources, e-mails, SMS text messages, blog postings, RSS feeds, web pages, social media postings such as Facebook and Twitter, and/or other data compilations from which information can be

obtained and all copies of such documents that bear notations or other markings that differentiate such copies from the original.

5. If any one of these requests is ambiguous, notify the Department so that the request may be clarified prior to the preparation of a written response.
6. The term “PAA” means Pole Attachment Agreement.
7. The term “affiliate” means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person. For purposes of this definition, the term “own” means to own an equity interest (or the equivalent thereof) of more than 10 percent.
8. The term “NESC” means National Electrical Safety Code.
9. File responses with Shonda D. Green, Secretary of the Department, not later than the close of business on **July 12, 2022**.

#### Requests

#### **Requests for CRC Communications LLC d/b/a OTELCO (“OTELCO”)**

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| DTC-OTEL 1-1 | Please update any factual or other assertions in the complaint as appropriate in light of other filings in the record, further discussions after the filings, or any other reason.       |
| DTC-OTEL 1-2 | Please identify the 17 communities referenced in the complaint on page two.  |
| DTC-OTEL 1-3 | Please refer to pages four and 28-29 of OTELCO’s complaint. Please describe any further communication regarding the applications that National Grid allegedly threatened to cancel.      |
| DTC-OTEL 1-4 | Please identify any instances in Massachusetts where the attachments of OTELCO or any of its affiliates have been attached via boxing.   |
| DTC-OTEL 1-5 | Please identify any instances outside of Massachusetts where the attachments of OTELCO or any of its affiliates have been attached via boxing.   |
| DTC-OTEL 1-6 | Please identify any instances in Massachusetts where the attachments of OTELCO or any of its affiliates have been attached below the attachment of the incumbent local exchange carrier. |

- DTC-OTEL 1-7 Please identify any instances outside of Massachusetts where the attachments of OTELCO or any of its affiliates have been attached below the attachment of the incumbent local exchange carrier.
- DTC-OTEL 1-8 Please refer to paragraph eight of OTELCO's complaint. OTELCO states that if Verizon determines that make-ready work is necessary, that work will be performed following advance payment by OTELCO. Explain whether OTELCO considers Verizon's pre-construction survey cost estimates to be limited to costs directly related to make-ready work necessary for OTELCO's attachments.
- DTC-OTEL 1-9 Please describe OTELCO's understanding of any pre-construction surveys necessary for its attachments. Describe each step in the survey process and who is responsible for each step.
- DTC-OTEL 1-10 Please state whether OTELCO has had any success negotiating lower make-ready costs than initially proposed by either National Grid or Verizon, whether by alternative attachment methods or any other means.
- DTC-OTEL 1-11 Please refer to paragraph 21 of OTELCO's complaint. Please state whether OTELCO has received any pole attachment denials and identify the specific instances in which the denials have occurred.
- DTC-OTEL 1-12 Please refer to paragraph 25 of OTELCO's complaint. Please provide complete and detailed documentation of OTELCO's referenced project budget.
- DTC-OTEL 1-13 Please refer to paragraph 77 of OTELCO's complaint. Please quantify the cost and time that would be saved if OTELCO were permitted to attach below Verizon where sufficient ground clearance existed on a run of poles.
- DTC-OTEL 1-14 Please refer to paragraph 80 of OTELCO's complaint. Please identify any other examples where Verizon has boxed poles.
- DTC-OTEL 1-15 Please specify the level of detail OTELCO needs from National Grid with respect to its make-ready estimates in order to determine whether OTELCO is being billed erroneously for pre-existing NESC non-compliant work.
- DTC-OTEL 1-16 Please identify any other instances in Massachusetts where third-party attachers are allowed to attach below Verizon.
- DTC-OTEL 1-17 Please provide the legal grounds on which OTELCO is asking the Department to grant Count III in the complaint.

- DTC-OTEL 1-18 Please respond to National Grid’s claim in National Grid’s response at pages 19-20 that, “for each of the poles under discussion in the emails provided as Exhibit D (Items 14, 27, and 40 in the chart on page 2) there was sufficient space on the poles to address any pre-existing non-conformance (e.g., ‘to lower firewire and CATV to make pole compliant,’), but insufficient space for the new OTELCO attachment, therefore, the work is appropriately billable to OTELCO as make-ready costs.” Please include in the response OTELCO’s position as to what, exactly, it is being billed for with respect to the referenced poles.
- DTC-OTEL 1-19 Please refer to OTELCO Exhibit 3 at page 32 (Form A-2). State whether in its applications to National Grid, OTELCO checked “Yes” or “No” on the item stating, “Licensee hereby requests licensor to provide an itemized estimate of pole make ready work required and associated charges (Appendix III Form C).”
- DTC-OTEL 1-20 Please refer to the complaint at paragraph 80. Please provide the exact locations of the referenced boxed Verizon poles in Easthampton, Northampton, and Palmer.
- DTC-OTEL 1-21 For any poles that OTELCO or any OTELCO affiliates (in this request, “pole-owning entity”) own solely or jointly in Massachusetts:
- A. Please provide any PAA or equivalent agreement the pole-owning entity has executed.
  - B. Please provide the pole-owning entity’s boxing policies.
  - C. Please identify any instances of the pole-owning entity’s Massachusetts poles being boxed.
  - D. Please provide the pole-owning entity’s policies for permitting attachments below the lowest attachment of the incumbent local exchange carrier.
  - E. Please identify any instances of third-party attachments being below the incumbent local exchange carrier’s lowest attachment on the pole-owning entity’s Massachusetts poles.

**Requests for Massachusetts Electric Company d/b/a National Grid (“National Grid”)**

- DTC-NG 1-1 Please update any factual or other assertions in National Grid’s response as appropriate in light of other filings in the record, further discussions about the filings, or any other reason.
- DTC-NG 1-2 Please provide all Massachusetts joint pole ownership agreements to which National Grid or an affiliate is a party.
- DTC-NG 1-3 Please describe in detail the current make-ready process on National Grid-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.

- DTC-NG 1-4 Please provide the average amount of time it takes National Grid to accommodate a new attachment (i) when a pole replacement is not required and (ii) when a pole replacement is required.
- DTC-NG 1-5 Please provide the number of times over the past 10 years that National Grid has boxed a pole without first receiving a request to do so.
- DTC-NG 1-6 Please provide the number of boxing requests National Grid has received over the past 10 years and how many times those requests were approved.
- DTC-NG 1-7 Please identify all Massachusetts communities for which OTELCO has filed a pole attachment application with National Grid.
- DTC-NG 1-8 Please identify the location and date of the last pole replacement that National Grid completed in Massachusetts prior to the OTELCO complaint being filed.
- DTC-NG 1-9 Please state whether National Grid permits or has permitted attachers to attach below Verizon's wires on any of the Massachusetts poles that National Grid owns or jointly owns.
- DTC-NG 1-10 Please refer to National Grid's response on page four. Please provide the condition of all poles National Grid references in the following statement: "OTELCO makes no showing that the existing poles are in poor condition, or in need of remediation or replacement to address pre-existing violations.".
- DTC-NG 1-11 Please refer to National Grid's response on page 17. National Grid states that it takes responsibility for replacing a pole that has a pre-existing violation that would prevent installation of a new attachment. Please explain how National Grid identifies NESC violations, generally.
- DTC-NG 1-12 Please refer to National Grid's response on page 17. Please explain National Grid's process for determining the condition of poles.
- DTC-NG 1-13 Please refer to National Grid's response on page 17. Please provide the conditions of the poles at issue in Granby and Wilbraham.
- DTC-NG 1-14 On page 17 of its response, National Grid states that the existing poles in Belchertown do not have any pre-existing NESC violations. Please explain the discrepancy between this statement and National Grid Exhibit NG-4,

in which National Grid states that three poles in Belchertown are in violation of the NESC.

- DTC-NG 1-15 Please refer to National Grid Exhibit NG-4. Please confirm that Charter's attachment on the pole labeled NGrid P38 Allen Road is in violation of the applicable codes given the Wolanin affidavit at Exhibit C.
- DTC-NG 1-16 Please refer to National Grid Exhibit NG-4. Please confirm that Charter's attachment on the pole labeled NGrid 18-4 Allen Road is in violation of the applicable codes given the Wolanin affidavit at Exhibit C.
- DTC-NG 1-17 Please state whether National Grid upgrades its wiring to triplex if a new pole is installed to accommodate a new attachment.
- DTC-NG 1-18 Please refer to National Grid's response on page 17. National Grid states that if an existing pole needs to be replaced because of age, National Grid would replace the pole and cover the cost of a pole of the same size but the attacher would have to pay the incremental costs of a taller pole necessary to accommodate the new attachment. Given this policy, please state whether National Grid covers all costs of upgrading its wires to triplex when moving wires from the old pole to the new pole if a new pole is necessary to accommodate a new attachment.
- DTC-NG 1-19 Please specify who pays to relocate or remove a non-compliant or illegal attachment when National Grid discovers such an attachment.
- DTC-NG 1-20 Please refer to National Grid's response at pages 17-18. Please explain in detail how National Grid ensures that OTELCO is being billed for only the percentage of make-ready work that results from its attachment.
- DTC-NG 1-21 Please refer to National Grid's response at pages 19-20 where it states, "for each of the poles under discussion in the emails provided as Exhibit D (Items 14, 27, and 40 in the chart on page 2) there was sufficient space on the poles to address any pre-existing non-conformance (e.g., 'to lower firewire and CATV to make pole compliant,')', but insufficient space for the new OTELCO attachment, therefore, the work is appropriately billable to OTELCO as make-ready costs." Please identify any other poles (*i.e.*, poles not referenced in this statement) for which OTELCO has filed a pole attachment application on which there was sufficient space to address any pre-existing NESC violations and sufficient space for the new OTELCO attachment after fixing the pre-existing NESC violation.
- DTC-NG 1-22 Please refer to National Grid's response on pages 19-20. National Grid states that in certain cases upgrading from open-wire secondary to triplex creates additional space on poles for communication attachments.

- A. Please describe in detail the frequency with which this method is used when new communication attachments are placed on existing poles.
- B. Please identify and quantify any benefits to the electric distribution network resulting from moving from open-wire secondary to triplex.
- C. Please explain in detail how National Grid allocates make-ready costs in such instances.
- D. Please state whether National Grid upgrades or has ever upgraded from open-wire secondary to triplex in response to a new communication attachment when there was sufficient space on the pole for the communication attachment without the upgrade.

- DTC-NG 1-23 Please refer to National Grid’s response on page 21. National Grid states that boxing increases costs. Please quantify this added expense in detail by cost categories and with specific past examples from the field.
- DTC-NG 1-24 Please refer to page 22 of National Grid’s response. National Grid states that, “In general, National Grid uses a method called cut-and-kick to replace poles.” Please identify other methods of pole replacement that National Grid uses and state how frequently National Grid uses each method.
- DTC-NG 1-25 Please refer to page 22 of National Grid’s response. National Grid states that in order to replace a boxed pole, “the new pole must be placed out of line with the existing pole making each of the transfers more difficult, affecting every other user of the pole.” Please provide evidence that existing attachers have taken issue with this approach or otherwise find transfers more difficult on a boxed pole.
- DTC-NG 1-26 Please refer to the last paragraph on page 22 of National Grid’s response. Please identify any instances where the issues identified required a pole replacement or otherwise resulted in property damage.
- DTC-NG 1-27 Please refer to page 23 of National Grid’s response. Please provide greater detail and support for the claim that boxing blocks climbing space on the pole. Please also specify whether there are circumstances in which boxing does not block climbing space on a pole.
- DTC-NG 1-28 Please provide a list of National Grid’s approved contractors for performing field survey work and make-ready work.
- DTC-NG 1-29 Please describe the level of detail for which National Grid would be willing to provide make-ready costs to OTELCO.
- DTC-NG 1-30 Please state whether National Grid possesses more make-ready cost detail than it provides to prospective attachers. If it does, please state why

National Grid does not provide that level of detail to attachers as part of the make-ready cost-estimate process.

- DTC-NG 1-31 Please specify whether National Grid receives detailed, itemized cost breakdowns for make-ready work performed by its contractors. Please also specify the level of such detail.
- DTC-NG 1-32 Please provide National Grid’s boxing policy that National Grid references in its response on pages 23-24.
- DTC-NG 1-33 Please describe how National Grid communicates its alternative-attachment policies to its make-ready contractors.
- DTC-NG 1-34 Please state how many National Grid-owned or jointly owned poles covered by OTELCO’s applications are currently boxed.
- DTC-NG 1-35 Please refer to National Grid’s response at page 15, where National Grid references a field survey. Please describe whether the referenced field surveys include a physical inspection of every pole included in a pole attachment application.
- DTC-NG 1-36 Please refer to National Grid’s response at page 15, where National Grid references a field survey. Please describe the referenced field survey, including but not limited to describing each step of the field survey process and identifying the party responsible for each step.
- DTC-NG 1-37 Please refer to Exhibit NG-1, page 33 (Form C). Please provide a description of the typical content and level of detail that National Grid includes in its “Description of Work.”
- DTC-NG 1-38 Please explain the circumstances under which National Grid would deny access to a pole under G.L. c. 166, § 25A.
- DTC-NG 1-39 Please state whether National Grid has denied access to a pole under G.L. c. 166, § 25A within the last 10 years. If so, please provide complete and detailed documentation of the denial.

**Requests for Verizon New England, Inc. (“Verizon”)**

- DTC-VZ 1-1 Please update any factual or other assertions in Verizon’s response as appropriate in light of other filings in the record, further discussions after the filings, or any other reason.
- DTC-VZ 1-2 Please provide all joint pole ownership agreements to which Verizon or an affiliate is a party.

- DTC-VZ 1-3 Verizon states on page three of its response that boxing makes pole work more expensive. Please quantify the added cost (broken down by category) and specify past examples where boxing made pole work more expensive.
- DTC-VZ 1-4 Please specify whether the ability of Verizon's utility trucks to navigate the non-street (*i.e.*, field) side of the pole when doing construction or repair work on Verizon's poles is ever a factor Verizon considers in whether to allow boxing.
- DTC-VZ 1-5 Describe the circumstances under which Verizon will consider moving its owns attachments further down the pole to allow for an additional attacher above.
- DTC-VZ 1-6 Please refer to paragraph two of the affidavit of David L. Wolanin, where Mr. Wolanin states Verizon "received one application from Otelco for attachments in Belchertown on or about May 25 and then most of the other applications for Belchertown on or about June 24 and 25, 2021." Please state when Verizon received the remaining Belchertown applications.
- DTC-VZ 1-7 Please refer to paragraph two of the affidavit of David L. Wolanin where Mr. Wolanin states that Verizon "received the first Otelco application for Northampton on or about July 30 but did not receive the bulk of the Northampton applications until late August to early September." Please confirm that this statement covers all of OTELCO's Northampton applications. If it does not, please provide additional detail on the Northampton applications not covered by this statement.
- DTC-VZ 1-8 Please refer to Verizon's response at paragraph 12 and explain why Verizon feels that the NESC standard is not sufficient and a more a stringent standard is needed to evaluate the safety of boxing. Please also provide the specific safety concerns Verizon has with pole boxing.
- DTC-VZ 1-9 Please provide a detailed description of the current make-ready process on Verizon-owned poles when (i) pole replacement is required and (ii) 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.
- DTC-VZ 1-10 Please provide the number of times in the past 10 years that Verizon has boxed a third-party attachment on its own without the request coming from the third-party.

- DTC-VZ 1-11 Please provide the average amount of time that it takes Verizon to accommodate a new attachment (i) when a pole replacement is required and (ii) when a pole replacement is not required.
- DTC-VZ 1-12 Please provide the number of boxing requests Verizon has received over the past 10 years and the number of instances in which Verizon approved the request and boxed the pole. Please break this down by Verizon and non-Verizon attachers.
- DTC-VZ 1-13 Please identify all Massachusetts communities for which OTELCO has filed pole attachment applications with Verizon.
- DTC-VZ 1-14 Please identify the location and the date of the last pole replacement that Verizon completed in Massachusetts prior to OTELCO's complaint being filed.
- DTC-VZ 1-15 Please refer to Verizon's response at paragraph 59. Please support the insinuation that existing attachers have taken issue or would take issue with Verizon permitting a new third-party attacher to attach below its own attachments.
- DTC-VZ 1-16 Referring to the affidavit of David L. Wolanin at Exhibit C, please confirm that the current attachments on the pole labeled T.27/E.38 Allen Road comply with applicable codes in light of National Grid Exhibit NG-4.
- DTC-VZ 1-17 Referring to the affidavit of David L. Wolanin at Exhibit C, please confirm that the current attachments on the pole labeled T6-02/E.18-4 Allen Road comply with applicable codes in light of National Grid Exhibit NG-4.
- DTC-VZ 1-18 Referring to the affidavit of David L. Wolanin at Exhibit E, please state the difference between the sentences, "This pole is not suitable for boxing," and "This pole should not be boxed."
- DTC-VZ 1-19 Please explain how Verizon attaches fiber-optic cables to its poles, including but not limited to whether Verizon attaches its fiber-optic cables lower on the pole than it does its copper cables.
- DTC-VZ 1-20 In paragraph 27 of Verizon's response, Verizon states that its copper cable is much heavier than any other cable in the communications space on the pole "in almost every instance." Please provide examples of when Verizon's copper cable is not heavier than other cables in the communications space on the poles.

- DTC-VZ 1-21 Please provide five examples of poles in Massachusetts on which Verizon employs boxing for third-party attachments, including Verizon's analysis of the attachments pursuant to its boxing policy.
- DTC-VZ 1-22 Please provide five examples of poles in Massachusetts on which Verizon employs boxing of its own attachments, including Verizon's analysis of the attachments pursuant to its boxing policy.
- DTC-VZ 1-23 Please refer to page two and paragraph 63 of Verizon's response. Verizon states that it will not bill OTELCO for work not related to OTELCO's attachments. Please provide greater detail regarding how Verizon ensures this. Please also state whether Verizon has reviewed its invoices since the complaint was filed and whether Verizon has removed any costs for work that is not needed to prepare the poles to accommodate OTELCO's attachments. For any such removals, please provide complete and detailed documentation.
- DTC-VZ 1-24 Please state approximately how long it takes Verizon, on a per-pole basis, to review a pole attachment application with sufficient scrutiny to ensure that the attacher is not billed for fixing pre-existing conditions.
- DTC-VZ 1-25 Please refer to paragraph 30 of Verizon's response. Please explain in detail how Verizon reviews error claims for its make-ready invoices. Please provide examples of past errors and how they were rectified.
- DTC-VZ 1-26 Please refer to paragraph 37 of Verizon's response. Please explain in greater detail how boxing affects the reliability of the network.
- DTC-VZ 1-27 Please refer to paragraph 74 of Verizon's response. Please specify how Verizon has made a good-faith effort to reduce make-ready costs.
- DTC-VZ 1-28 Please refer to paragraph of 74 of Verizon's response. Please detail how OTELCO failed to comply with the dispute resolution process of the parties' pole attachment agreement.
- DTC-VZ 1-29 Please provide the percentage of Verizon-owned or jointly owned poles covered by OTELCO's applications which are currently boxed.
- DTC-VZ 1-30 Please refer to page three of Verizon's response. Please provide examples of instances where "alternative means of attaching would obviate the need for boxing" and whether any such means were considered or employed for OTELCO's attachments.
- DTC-VZ 1-31 Please refer to paragraph 31 of Verizon's response where it references attachments that are out of compliance to answer the following questions:

- A. Please explain how Verizon defines a pole attachment to be out of compliance.
- B. Please provide examples of how an attachment comes to be out of compliance.
- C. Please clarify which party is responsible, both physically and financially, for bringing the attachment, or the pole, into compliance.

DTC-VZ 1-32

Please refer to Verizon's response at page two where it references Verizon's make-ready surveys to answer the following questions:

- A. Please state whether the referenced surveys are field surveys.
- B. Please describe Verizon's pre-construction survey, including each step of the survey process and who is responsible for each step.
- C. Please describe whether field surveys include physical inspection of every pole included in the pole attachment application.

DTC-VZ 1-33

Please state whether Verizon has charged OTELCO for any costs associated with fixing a pre-existing NESC violation on a pole on which there was sufficient space for the new OTELCO attachment after fixing the pre-existing condition.

DTC-VZ 1-34

Please explain Verizon's claim on paragraph 21 of its response that it has not denied OTELCO access to any pole for which it has applied in light of Verizon's statement in paragraph 22 of its response that Verizon could not complete its surveys of all of OTELCO's requested poles within 45 days of the OTELCO applications being filed.

DTC-VZ 1-35

Please explain the circumstances under which Verizon would deny access to a pole under G.L. c. 166, § 25A.

DTC-VZ 1-36

Please state whether Verizon has denied access to a pole under G.L. c. 166, § 25A within the last 10 years. If so, please provide complete and detailed documentation of the denial.