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May 29, 2024

Shona D. Green, Secretary
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118

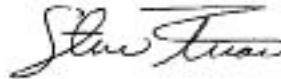
Re: D.T.C. 22-4 – CRC Communications LLC d/b/a OTELCO v. Massachusetts
Electric Company d/b/a National Grid and Verizon New England Inc.

Dear Ms. Green,

On behalf of Massachusetts Electric Company d/b/a National Grid (“National Grid” or the
“Company”), enclosed is the rebuttal testimony of Joy A. Banks.

Please contact me with any questions.

Very truly yours,



Steven Frias

cc: William Bendetson, Hearing Officer, Department of Telecommunications and Cable
Service List, D.T.C. 22-4

COMMONWEALTH OF MASSACHUSETTS
Before the
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

| | | |
|--------------------------------|---|-------------|
| CRC COMMUNICATIONS LLC, D/B/A |) | |
| OTELCO |) | |
| |) | |
| <i>Complainant,</i> |) | |
| |) | |
| v. |) | D.T.C. 22-4 |
| |) | |
| MASSACHUSETTS ELECTRIC COMPANY |) | |
| D/B/A NATIONAL GRID AND |) | |
| VERIZON NEW ENGLAND INC. |) | |
| |) | |
| <i>Respondents</i> |) | |
| |) | |

REBUTTAL TESTIMONY OF

JOY A. BANKS

ON BEHALF OF

MASSACHUSETTS ELECTRIC COMPANY

d/b/a

NATIONAL GRID

May 29, 2024

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I. INTRODUCTION

Q. Please state your name and business address.

A. My name is Joy A. Banks. My business address is 170 Data Drive, Waltham MA 02451.

Q. By whom are you employed and in what capacity?

A. I am Manager, Outdoor Lighting and Third-Party Attachments – New England for National Grid USA Service Company, Inc. My duties include management of third-party pole attachment responsibilities for National Grid’s electric distribution system in New England, including those of Massachusetts Electric Company d/b/a National Grid (“National Grid” or the “Company”).

Q. Please describe your education and professional background.

A. I am the Manager of Outdoor Lighting and Third-Party Attachments and have been working in this group in various capacities for the last fifteen years. I have twenty-five years of experience in process improvement, including several projects related to National Grid’s electric distribution system. These include large complex meter revenue attainment, end to end third party process enhancements, customer satisfaction and reliability improvements, and implementation of the third party attachment portal to reduce cycle times in the attachment process, enabling customer self-servicing, and enhance visibility of work in progress. I also have fifteen years of experience in storm restoration support and storm cost recovery proceedings. I have also provided rate case support for third party attachment processes. I have a B.S.B.M. from Emmanuel College, located in Boston, Massachusetts.

1 **Q. Have you previously testified in any formal hearings before regulatory bodies?**

2 A. Yes, I testified before the Massachusetts Department of Public Utilities on behalf of
3 Massachusetts Electric Company and Nantucket Electric Company in D.P.U. 23-150.

4 **Q. Have you previously filed affidavits and/or testimony in this proceeding?**

5 A. Yes, I submitted affidavits and sponsored responses to information requests and testimony
6 in this proceeding on behalf of the Company. See Joint Rebuttal Testimony of G. Paul
7 Anundson, Joy A. Banks, and Frederick Griffin, Exh. NG-Rebuttal-1 (August 1, 2022);
8 Testimony of Joy A. Banks, Exh. NG-Resurvey-1 (May 15, 2024).

9 **Q. What is the purpose of your testimony?**

10 A. My testimony responds to certain claims in the pre-filed declarations of Samuel DeJesus
11 and Kyle Reagan on behalf of CRC Communications LLC d/b/a OTELCO (“OTELCO”)
12 dated May 15, 2024 (“DeJesus Declaration” and “Reagan Declaration”) and OTELCO’s
13 Confidential Response To Order Adopting Procedural Schedule, and its attachments, dated
14 May 15, 2024 (“OTELCO Response”). The OTELCO Response includes confidential
15 files: (1) Osmose Utilities Services Company (“Osmose”) O’Calc Pro Analysis Reports
16 and summaries; (2) preconstruction survey analyses performed by Verizon’s contractor,
17 Pike Construction Co., LLC; (3) additional Verizon preconstruction survey analysis; (4)
18 preconstruction survey analyses performed by National Grid’s contractor, Osmose; (5) IKE
19 photographs provided by OTELCO’s contractor, CHR Solutions; (6) photographs of poles
20 taken by OTELCO employees showing where Verizon has boxed; and (7) OTELCO’s
21 listing of existing pole conditions for all poles OTELCO has requested to box. OTELCO

Response at 3.

On April 14, 2022, OTELCO filed a complaint against Verizon New England Inc. (“Verizon”) and the Company on various pole attachment issues. This rebuttal testimony addresses OTELCO’s claims in relation to National Grid’s need to resurvey the poles which OTELCO requests so National Grid can make a determination whether they may be boxed in accordance with the Department’s Final Order issued on October 11, 2022 (“Final Order”). My rebuttal testimony is limited to addressing the issue of resurveying poles as instructed by the Department’s Procedural Schedule dated May 1, 2024.¹

II. OTELCO’S DOCUMENTS ARE STALE

Q. What is National Grid’s response to OTELCO Response and attachments generally speaking?

A. In sum, based on my review of the voluminous OTELCO attachments thus far, the OTELCO Response and attachments do not rebut the Company’s main point on why resurveying OTELCO applications are necessary – the data obtained in 2021 and 2022 is substantially outdated and cannot be acted upon.² Resurveying the applications is the most efficient use of time and resources to get OTELCO’s work licensed.

¹ Due to the narrow scope of the supplemental record, the Company is not addressing certain claims made by OTELCO regarding other items, such as cost breakdowns and application processing times. Silence on these topics should not be construed as agreement with OTELCO, but rather abiding by the Department’s Procedural Schedule direction on scope, which notes “[t]he Department seeks to supplement the record, and hear from the parties, regarding the resurvey issue. The Department will likely not review evidence on matters outside of the resurvey issue.” If the Department later entertains supplemental record information on these items, National Grid will seek to provide such information accordingly.

² OTELCO filed voluminous attachments on May 15, 2024. Based on the review so far, the Company believes most documents in these attachments were developed in 2021/2022 time frame.

1 **Q. What is the assertion made by OTELCO's witnesses in relation to resurveying the**
2 **poles that OTELCO requests to be boxed?**

3 A. Mr. DeJesus generally describes the documentation provided attached to the OTELCO
4 Response. DeJesus Declaration at paras. 3-9. Mr. Reagan opines that the existing
5 preconstruction materials are more than sufficient to evaluate OTELCO's boxing requests
6 and there is no need to collect additional information to determine if boxing is feasible.
7 Reagan Declaration at para. 5. Mr. Reagan also lists information included in the O'Calc
8 reports. Id. at para. 4.

9 **Q. Do you agree with OTELCO's assertions?**

10 A. No, I do not. The key phrase in Mr. DeJesus's Declaration is "it is the regular course of
11 business to compile these records at or near the time of the field visit or within a reasonable
12 amount of time thereafter." DeJesus Declaration at paras. 11. Notably absent from Mr.
13 DeJesus's Declaration are the dates when this information was collected. As I stated in
14 my resurvey testimony, the field visits for the original surveys were conducted in late
15 2021/early 2022, making the information in these documents between two to three years
16 old. There has been substantial change in the field over the last several years including:
17 483 capital projects, 68 storm events, other third-party work, and outdated permitting and
18 costs estimates. With these changes, the pole configurations and attachment placement
19 included in OTELCO's original surveys and make-ready designs are no longer valid, which
20 is why National Grid needs to resurvey the entirety of poles in scope for attachment before
21 it can commence OTELCO's work.

Regarding Mr. Reagan's description of the O'Calc reports, these reports are substantially outdated and suffer the same staleness due to the passage of time. These reports are conducted only on a subset of poles, collected certain additional information, and were done in the late 2021/2022 time period, so they too are now over two years old. These reports also do not capture the bolt hole dimensions which are needed for boxing.³ They may, however, be used to determine a pole cannot be boxed in some cases due to the presence of another asset, such as a riser, transformer, or crossarm that would interfere with the ability to box.

Q. What else has changed in the field since late 2021/early 2022?

A. In addition to the events above, the Company has replaced over 933 poles in these municipalities, as shown in the chart below. This chart does not include pole replacements from storm events, safety issues, pole motor vehicle hits, or completed work for capital or customer requests which occurred within approximately the last six months, making it a low estimate of the field changes.

| Town | 2021 | 2022 | 2023 | Total |
|-------------|------|------|------|-------|
| Belchertown | 59 | 135 | 65 | 259 |
| Northampton | 136 | 267 | 142 | 545 |
| Palmer | 36 | 50 | 43 | 129 |
| Total | 231 | 452 | 250 | 933 |

³ Boxing reviews will require hot stick heights for the top two bolted attachments to confirm minimum 13 inches of spacing exists surface-to-surface, i.e., 14 inches of spacing through bolt to through bolt. This is the required minimum distance between existing attachers for boxing construction because the average bolt is 5/8 inches, which consumes part of the existing clearance distance.

1 **Q. Why is National Grid unable to use the information from late 2021/early 2022?**

2 A. If National Grid used the late 2021/early2022 make-ready designs, they would first be sent
3 to construction and the crew would do a pre-construction check of the work area. If the
4 field conditions vary from the design, the crew will send the work back to the Company's
5 design department until it can be re-engineered based on current field state. The re-
6 engineering would require a resurvey and redesign, at OTELCO's expense. Thus, the
7 result is the same – resurvey will be required and OTELCO will have to pay for resurvey.
8 The difference is the wasted time and crew resources in the interim which would be
9 required. This is an inefficient way to conduct field work and the result would be
10 inefficient delays, wasted time and resources, and redesigns. Resurveying is necessary and
11 the most efficient use of time and resources to get OTELCO's projects licensed.

12 **Q. How many third-party attachments has National Grid attached in the last few years?**

13 A. Since 2021, National Grid has licensed 176 pole attachments in Belchertown, Palmer, and
14 Northampton. Across Massachusetts, the Company has licensed 13,366 new attachments
15 since 2021. National Grid remains committed to facilitating attachments for Massachusetts
16 broadband expansion projects, which requires efficient use of time and resources.

17 **III. CONCLUSION**

18 **Q. Does this conclude your testimony?**

19 A. Yes, it does.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

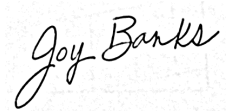
D.T.C. 22-4

Affidavit of Joy A. Banks

I, Joy A. Banks, do attest and swear to the following:

1. I am Manager, Outdoor Lighting and Third-Party Attachments – New England for National Grid USA Service Company, Inc. My current duties include management of third- party pole attachment responsibilities for National Grid’s electric distribution system in New England, including those of Massachusetts Electric Company d/b/a National Grid (“Company”).
2. The rebuttal testimony dated May 29, 2024, which was filed in this docket and bears my name, was prepared by me or under my supervision is true and accurate to the best of my knowledge and belief.

Signed under the pains and penalties of perjury,

A handwritten signature in black ink that reads "Joy Banks". The signature is written in a cursive, flowing style.

Joy A. Banks

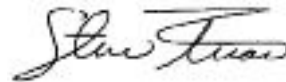
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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically served the foregoing documents upon the Service List for the above-captioned proceeding, in accordance with the requirements of 207 CMR 1.05.



Steven Frias, Esq.
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Boston, Massachusetts 02110
(617) 951-1400

Dated: May 29, 2024