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August 8, 2025

By Email

Mark D. Marini, Secretary
Department of Public Utilities
1 South Station, 3rd Floor
Boston, MA 02110

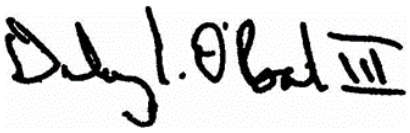
Shonda D. Green, Secretary
Department of Telecommunications and Cable
One Federal Street, Suite 0740
Boston, MA 02110

Re: ***D.P.U. 25-10/D.T.C. 25-1 - Joint Notice of Inquiry by the Department of Public Utilities and the Department of Telecommunications and Cable on their own Motion to explore utility pole attachment, conduit access, double pole, and related considerations applicable to utility work conducted on public rights-of-way in the Commonwealth***

Dear Secretaries Marini and Green:

Enclosed please find Verizon New England Inc.'s Reply Comments in response to the Departments' memoranda issued in the above dockets on April 10, June 18, and June 26, 2025.

Respectfully submitted,



Dulaney L. O'Roark III

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

Joint Notice of Inquiry by the Department of Public Utilities and the Department of Telecommunications and Cable on their own Motion to explore utility pole attachment, conduit access, double pole, and related considerations applicable to utility work conducted on public rights-of-way in the Commonwealth	D.P.U. 25-10/D.T.C. 25-1

REPLY COMMENTS OF VERIZON NEW ENGLAND INC.

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August 8, 2025

TABLE OF CONTENTS

Page

I. INTRODUCTION.....1

II. DOUBLE POLES, FACILITY TRANSFERS AND REPORTING.....2

A. Double Poles.....2

B. Measures to Address Double Poles.....4

C. Reporting on Double Poles.....6

III. OTHER MAKE-READY WORK.....7

A. Simple Make-Ready.....7

B. Use of NJUNS and Timelines for Simple Make-Ready.....9

C. One-Touch Make-Ready and Self-Help.....9

D. Boxing.....10

E. Temporary Attachments.....11

F. Placing Attachments Below Verizon's Cable.....11

G. Single Pole Administrator.....12

H. Rules Proposed by the DTC and GoNetSpeed.....14

IV. COST ISSUES.....15

A. Annual Pole Rental Rate Methodology for Cable and Telecommunications Facilities.....15

B. Average Pole Height.....15

C. Tariff Rates.....15

V. MEMORANDUM OF UNDERSTANDING AND DISPUTE RESOLUTION.....17

VI. EVSE ISSUES.....19

VII. CONCLUSION.....20

COMMONWEALTH OF MASSACHUSETTS
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REPLY COMMENTS OF VERIZON NEW ENGLAND INC.

Verizon New England Inc., d/b/a Verizon Massachusetts ("Verizon"), provides the following reply comments in response to the memoranda issued by the Department of Public Utilities ("DPU") and Department of Telecommunications and Cable ("DTC") (collectively, the "Departments") in these dockets on April 10, June 18, and June 26, 2025.

I. INTRODUCTION

Verizon appreciates the Departments' efforts to improve the processes that pole owners and attachers use to install, move and transfer pole attachments, while ensuring that utility poles are safe for workers and the public. As a provider with experience both as a pole owner and wireline attacher, Verizon brings a unique perspective to these important issues. Within its incumbent local exchange carrier ("ILEC") territory, Verizon both owns poles and attaches its wireline facilities to poles that it solely and jointly owns. Verizon's competitive local exchange carrier ("CLEC") affiliates attach wireline facilities to utility poles in Massachusetts and across the country, while Verizon's wireless affiliates attach wireless facilities to poles nationwide, as well as using wireline backhaul as a fundamental backbone of their network. Verizon recognizes

the importance of access to high-speed broadband, and strongly supports efforts to expand broadband facilities throughout Massachusetts to ensure that all residents have meaningful Internet access. Verizon has a vested interest in efficient, reasonable, and nondiscriminatory pole attachment procedures, but also recognizes the importance of preserving the safety and reliability of its network in Massachusetts.

In these comments Verizon provides the Departments with recommended solutions to address issues raised in this proceeding. Verizon has grouped those issues into five categories. First, we discuss double poles, how to remove them more quickly, and how to streamline reporting (Section II). Second, we turn to other make-ready work and the various process changes recommended by Verizon and other parties (Section III). Third, we take up several cost issues, including cost methodology and related issues, application of the principle of cost causation, and proposals that would improperly attempt to shift costs from attachers to pole owners (Section IV). Fourth, we address how formal complaints might be jointly adjudicated by the Departments and discuss how to improve the dispute resolution process (Section V). Fifth, we discuss the drawbacks of mounting electric vehicle supply equipment ("EVSE") on poles (Section VI).

II. DOUBLE POLES, FACILITY TRANSFERS AND REPORTING

A. Double Poles

Double poles result from pole replacements and upgrades. Poles need to be replaced for a number of reasons such as rot or defect, motor vehicle accidents, or damage caused by storms or fallen trees. Poles may be upgraded because of power company initiatives, such as deploying stronger poles that hold up better during storms, or increasing the height of poles so they can accommodate more attachments. The first step in replacing or upgrading a pole is to place the

new pole in the vicinity of the old one,[1] which means that typically for some time there will be two poles at that location.[2] Because most poles to which Verizon attaches are jointly owned, the EDC and Verizon usually must coordinate their activities to transfer their facilities to the new pole and remove the old one. In areas where the EDC is responsible for placing the new pole, the EDC will transfer its facilities and notify attachers in the communications space via the National Joint Utilities Notification System ("NJUNS"), which triggers a series of facility transfers based on a "Next to Go" sequence of work,[3] with Verizon, as the carrier with the facilities placed lowest in the communications space, going last. When Verizon is Next to Go, it normally attempts to complete facility transfers and pole removals (when it has that responsibility) within 45 days. In areas where Verizon places the new pole, a similar process is followed.[4]

Double pole creation and removal is an ongoing, dynamic process. For six of the ten annual periods reported in Verizon's initial comments, more than 10,000 new poles were installed, and for the other four periods at least 8,000 new poles were installed. For eight of the ten annual reporting periods, more than 10,000 double poles were removed. So each year backlogged double poles are cleared out, but new double poles are created. For example, for the period November 1, 2023 to October 31, 2024, 8,809 double poles were created and 11,149 were

[1] Verizon is responsible for pole placements when it solely owns a pole or in certain areas where the pole is jointly owned. The joint ownership agreements between Verizon and the electric distribution companies ("EDCs") define the roles of each party with regard to pole maintenance and placement. Some agreements assign placing activities to the EDC and removal activities to Verizon. Other agreements assign maintenance areas where one party will place and maintain poles within defined areas of the joint service territory and the other party will remove poles.

[2] As noted below in subsection II(B), the "cut-and-kick" method is sometimes used to place the new pole in the same hole as the old one.

[3] For emergency and storm response situations, Verizon coordinates directly with the EDCs in real time to sequence work and ameliorate the situation.

[4] After Verizon completes placement of the new pole, the EDC is notified via NJUNS that it should transfer its facilities. The attachers in the communications space are then notified when they are Next to Go and finally the EDC is notified via NJUNS that it should remove the pole.

removed. Despite this progress, as of December 31, 2024, not counting poles solely owned by an EDC, there were 20,510 double poles in Verizon's service territory.

Reducing the number of double poles presents a challenge for several reasons. Perhaps the most significant factor is the sheer volume of new pole placements each year, which means that a large number of poles must be replaced on an ongoing basis. The need to sequence facilities in the power space first, followed by each of the facilities in the communications space is another significant factor. When there are several attachers on a pole, the total time needed for all the transfers obviously increases and the risk goes up that one or more attachers will not move in a timely manner, particularly for poles on state roads, where a permit is required to move each attachment. This problem is exacerbated because some attachers are not members of NJUNS, which makes it more difficult to communicate with them and track progress. In some cases attachments are owned by municipalities that have limited resources and are not willing or able to make transfers within the required time. In other instances facilities have been abandoned, leaving the pole owner to track down the former attachment owner and determine that the facility can be removed. Complexity of the work involved also delays transfers. For example, if there are multiple poles on a single thoroughfare or in the immediate vicinity of each other, logistics often require each company to complete 100% of its work (on all the double poles) before the next attacher can schedule its work. These factors must be taken into account when considering how best to improve the transfer process.

B. Measures to Address Double Poles

Two measures would significantly improve the transfer process. First, the Departments should require that all pole owners and attachers use NJUNS and actively participate in the NJUNS Next to Go process. Currently, membership by attachers in NJUNS is voluntary and

some attachers have not joined. Mandating membership and participation would greatly facilitate communication with the attachers that have been responsible for some of the most significant delays. Second, the Departments should establish a deadline for each third-party communications attacher to transfer its facilities to the new pole once it becomes the attacher's turn to move. Individual deadlines would make sense given the sequential nature of the transfer process because they would create an incentive for each attacher to move promptly.

Verizon does not take a position on whether the Departments should adopt a single-visit-transfer process in which a contractor would transfer all facilities (or at least those in the communications space) at one time. Attachers previously explored whether to adopt such a process, but could not reach agreement on issues such as the rate a contractor could charge, so the effort was abandoned. That experience suggests that it may be difficult to develop a single-visit-transfer process that would meet the needs of all parties. Moreover, this approach would represent a significant change because currently Verizon's pole attachment transfers are handled exclusively under a collective bargaining agreement between Verizon and the IBEW. Likewise, some municipalities make transfers using union employees. Other issues that would need to be addressed include approval of contractors by pole owners and ensuring that facilities changes are properly recorded in NJUNS.

Verizon likewise does not take a position on the adoption of a self-help remedy that would authorize an attacher to hire a contractor to perform transfer work if the other attachers and pole owners do not meet specified deadlines. One issue with self-help is that, as just noted, Verizon currently uses bargained-for labor to perform such work. If a self-help remedy were adopted, a number of other issues would need to be addressed, such as ensuring that only licensed and skilled contractors approved by the pole owners do the work, because otherwise,

poles and attachments may be damaged and safety hazards may be created. The Departments also should ensure that pole owners have the right to inspect any work done upon completion at the attacher's cost. When inspections detect violations, the attacher should be required promptly to fix the problem, and, if it fails to do so, pay the pole owner to make the repairs. The attacher that elects self-help as a remedy also must be responsible for any injuries and property damage that arise out of the work and for obtaining insurance for the project.

Another measure that was described in the presentations made during the technical sessions was pole "chunking." This technique sometimes results from a "cut-and-kick" pole set, by which the new pole is set in the same hole as the old one. Chunking involves securing the old pole to the new one using cross arms and then removing the pole butt and top after the EDC has transferred its facilities, leaving only the segment of the pole with communication attachments, which typically is removed as those attachments are later transferred. While chunking as part of the cut-and-kick method is commonly used and acceptable, to eliminate possible public safety concerns, care should always be taken to leave the remaining segment of the old pole properly secured to the new pole. For a side-by-side pole set, "topping,"[5] is also an acceptable practice that involves cutting off the top of the pole above the communications space after attachments have been removed from the power space, transferring the communications attachments in sequence, and then pulling the pole from the ground and filling the hole.

C. Reporting on Double Poles

The Departments asked the parties to address during the technical sessions whether current reporting on double poles should be updated. Verizon proposes that the current reporting be streamlined in part because some reports are geared to determining how much of the double

[5] See presentation by the New England Connectivity and Telecommunications Association ("NECTA") (June 9, 2025) ("NECTA Presentation"), at 8.

pole backlog from 20 years ago has been cleared. As discussed above, the process of creating and clearing double poles is a dynamic one, so it serves little purpose to require reporting on the clearance of double poles from a fixed point in time. For the same reason, there would be little point in resetting the date of the double pole count because reports using the new date would soon become meaningless. At a minimum, therefore, the backlog summary, backlog detail and statistical summary reports should be discontinued.

The Departments should not establish any new reporting requirements before they determine what if any new processes should be adopted to address double poles. Until the Departments know what processes will be followed, they will not be in a position to assess whether new metrics would be helpful to them. If now or in the future the Departments decide to require additional reporting, it should be based on data that can be provided from NJUNS or other automated systems and not information that requires extensive manual processing or narrative explanation. Further, information should not be required that would disclose customer proprietary network information or other confidential information such as a provider's deployment strategy. For example, if next-in-line reporting is required, it should be based on the number of attachments outstanding by attachment category at the beginning and end of the reporting period. For such reporting to be useful, universal NJUNS membership would need to be required so that data could be provided on all attachers.

III. OTHER MAKE-READY WORK

A. Simple Make-Ready

Most make-ready work does not involve transferring facilities from one pole to another, but rather is "simple make-ready," which involves making room for a new attachment in the

communications space on a pole.[6] When a provider wishes to attach to a pole, it must first submit an application to the pole owner, or in the case of a jointly owned pole, to both pole owners.[7] An application to both joint pole owners is required because both Verizon and the EDC must approve the attachment and they both use proprietary processes and systems to track attachments on each pole. Verizon and the EDC each survey the pole to determine the work that will be required to make it ready for the new attachment and reconcile their surveys. An EDC survey is required even though simple make-ready involves new attachments in the communications space, because to make room on the pole it may be necessary to move EDC facilities in the secondary power space. Reconciliation is necessary because the surveyors do not always agree on what facilities need to be raised or lowered to accommodate the new attachment.[8] Once the reconciliation is complete, Verizon sends an invoice with a cost estimate to the new attacher and begins make-ready work once payment has been received. That work involves informing other attachers of how much their facilities need to be raised or lowered and in what sequence, and moving Verizon's facilities if necessary.

The sources of delay for simple make-ready work are similar to those for facility transfers. One is that there is a high volume of make-ready work each year. For the first six months of 2025, for example, Verizon received 884 applications for make-ready work (simple and complex) that involved 51,332 poles. Often there are multiple attachers that must move their facilities in sequence and in some cases each attacher must obtain a permit before it can move.

[6] Complex make-ready involves activities such as splicing, work in the power space, pole replacements, or work on poles with wireless attachments or large pole-mounted cabinets or equipment.

[7] Because the vast majority of Verizon's poles in Massachusetts are jointly owned, the discussion in this section focuses on jointly owned poles.

[8] In their initial comments on March 18, 2025, the EDCs asserted that Verizon "currently" was taking 45-90 days to review and concur in pole attachment designs and estimates. Initial Comments of Massachusetts Electric Company and Nantucket Electric Company ("National Grid Initial Comments"), at 20; Initial Comments of NSTAR Electric Company ("Eversource Initial Comments"), at 21. That situation was temporary, was due in part to actions by the EDCs, and has since been addressed through regular meetings that facilitate communications between companies.

And Verizon must deal with attachers that are not members of NJUNS, municipalities that may be slow to move their attachments, abandoned attachments, and applications that involve multiple poles, some of which involve simple make-ready and some of which involve complex make-ready. These factors can make it challenging to complete make-ready quickly and efficiently.

B. Use of NJUNS and Timelines for Simple Make-Ready

The simple make-ready process could be improved significantly by requiring that all pole attachers use NJUNS for simple make-ready work. As noted in subsection II(B), NJUNS currently is used in Massachusetts for make-ready work that involves pole transfers. If the Departments mandated that NJUNS also be used for simple make-ready, NJUNS would notify each attacher when it was its turn to raise or lower its facilities, which would improve efficiency, transparency and accountability. NJUNS is currently being used for simple make-ready in New York, where it has improved the process by pinpointing the party that has pending due activity. This approach should be adopted in Massachusetts. Another improvement, similar to the one described in subsection II(B), would be to establish a timeline for each attacher to move its facilities when it becomes Next to Go.

C. One-Touch Make-Ready and Self-Help

Verizon takes no position on whether the Departments should adopt One-Touch Make-Ready ("OTMR") or self-help remedies. If OTMR were implemented, attachers would apply to use the process for one or more poles, and, if the application is granted, hire a contractor to survey the poles and perform the simple make-ready work. Verizon has two concerns with OTMR. One is that Verizon currently only uses its own bargained-for labor when it moves its facilities. The other concern is that to date OTMR has not proven to be an effective solution

because it is seldom used. As the FCC stated just last month in its Fifth Report and Order dealing with pole attachment issues, "[t]he record suggests that very few attachers have elected to use OTMR since it was created in 2018," at least in part because "it is not available for complex work."[9] Unless and until OTMR becomes a workable solution, it may not be the best option for the Departments to pursue. Likewise, for the reasons discussed in subsection II(B), Verizon takes no position on whether self-help should be adopted.

D. Boxing

Verizon has had a longstanding policy against opposite-side attachments ("boxing") because boxing negatively affects the safety and reliability of its network. Boxing can make it hazardous for technicians to climb a pole past the opposite-side facility, which results in Verizon sending a bucket truck whenever work needs to be done on a boxed pole. Boxing also makes it more complicated, time-consuming, and expensive to replace a pole. And boxing poses serious public safety concerns because it delays emergency restoration work when poles that have been boxed come down in a storm or for other reasons.

As the Departments are well aware, these concerns were addressed in detail during the case brought by CRC Communications LLC d/b/a OTELCO ("GoNetSpeed").[10] In compliance with the GoNetSpeed Final Order, Verizon now allows boxing under certain circumstances. Verizon does not seek to relitigate that decision, but if the Departments revisit in this proceeding the question of whether boxing should be required, Verizon's position will be that it should not be required.

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[9] *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Fifth Report and Order, Fourth Further Notice of Proposed Rulemaking, and Orders on Reconsideration (rel. July 25, 2025), 60.

[10] *CRC Communications LLC v. Massachusetts Electric Co.*, D.T.C. 22-4, Final Order (Oct. 11, 2022) ("GoNetSpeed Final Order").

E. Temporary Attachments

Temporary attachments in the communications space typically are requested after an applicant has been informed that make-ready work must be performed before it will be allowed to attach. Temporary attachments have been the exception, not the norm, and are rarely granted due to safety concerns. Before temporary attachments are placed, the pole must be resurveyed for safe placement and both pole owners must approve. Whether the make-ready work involves pole replacement or shifting of existing attachments, when such a request is granted normally an extension arm is used so that vertical spacing requirements are not violated. Extension arms can make climbing poles more difficult and dangerous and block access to other attachments. They complicate pole replacement and simple make-ready work because coordination between attachers is required to work around the extension arm and attached facilities. And "temporary" facilities can remain on a pole indefinitely if they are not policed and the temporary attacher does not cooperate. For those reasons, normally the best and safest solution is to complete the make-ready work before attaching the new facilities.

F. Placing Attachments Below Verizon's Cable

The question of whether Verizon should be required to allow other facilities to be installed beneath its attachments was addressed recently by the DTC in the GoNetSpeed Final Order. The DTC concluded that "Verizon's policy that it must be the lowest attachment is reasonable and nondiscriminatory," for several reasons.[11] First, Verizon's copper cable is heavier than other cables in the communications space and thus sags more and requires more vertical clearance beneath them on the pole than other cable attachments. Placing cable attachments below Verizon's facilities "would increase the possibility of mid-span clearance violations,

[11] *Id.* at 26.

creating potential safety and reliability issues."[12] Second, facilities transfers for pole replacement are made from the top down, with Verizon going last, which means Verizon can transfer its attachments and remove the pole (when it has that responsibility) in one trip. That efficiency could be lost if other cables were attached lower on the poles.[13] Third, a number of problems would arise if Verizon had the lowest cables on some poles in a line but not others, likely resulting in wires crisscrossing between poles. As the DTC concluded, "[t]his would be a safety hazard, would likely result in clearance violations, and would make surveying the poles more difficult."[14] In short, there is no reason to relitigate this issue.

G. Single Pole Administrator

Some parties have proposed that pole owners should designate a single pole administrator or have one company do surveys for both the power and communications space.[15] Those proposals fail to account for the logistics involved in processing applications, surveying the power and communications spaces on poles, and determining for each request how the make-ready work should be done.

As already noted, applications must be sent to both joint pole owners because both need to approve the new attachment and both owners have their own proprietary systems that they use to process applications. The information provided in the applications should be the same, so submitting applications to both pole owners involves little additional work for the applicants. The data provided in the applications flows into forms used by surveyors for Verizon and the EDC, who add information to the forms and use them to draft work orders that, once they are reconciled with designs proposed by the EDC, are sent to technicians in the field. Receiving the

[12] *Id.* at 27.

[13] *Id.* at 27-28.

[14] *Id.* at 28.

[15] National Grid Initial Comments at 20; Eversource Initial Comments at 21; NECTA Presentation at 10.

applications thus not only is necessary so Verizon and the EDC can approve the attachment, but also so they have the information they require to survey the poles and perform the make-ready work.

When simple make-ready ready work must be done to accommodate a new attachment in the communications space, the power space and communications space both must be surveyed because the make-ready solution may involve moving facilities in the secondary power space or the communications space, or both. Under the current survey process, the joint owners have companies survey the poles independently and then confer during a reconciliation meeting to address differences in how each proposes that the make-ready work be performed. For example, if the EDC proposes that vertical space on the pole be created by lowering communications facilities and Verizon proposes that facilities in the secondary power space be raised, some accommodation must be reached. Once that has been done, work orders can be issued.

If instead one company were used to survey the power and communications space, logistical problems would arise. Companies doing survey work tend to have expertise in the power or communications space, but not both. When Verizon has used a single survey process in the past, the company used to perform the surveys lacked experience with the communications space and thus failed to spot issues involving communications facilities when developing its proposed work orders. When it came time to carry out the make-ready work, Verizon often discovered issues that prevented it from performing, so the work design had to be discussed and redone, wasting valuable time and resources. And even when the work could be performed, the solution chosen by the survey may not have been one that Verizon would have chosen, imposing more work and greater cost on Verizon and other attachers in the communications space than if Verizon had had a say in the outcome.

H. Rules Proposed by the DTC and GoNetSpeed

The DTC proposes changes to 220 CMR 45.01-.15 that among other things would establish timelines for the make-ready process, create a self-help remedy, authorize OTMR, and establish procedures for overlashing. The proposed changes generally track the FCC's pole attachment rules, with some significant additions and revisions. For example, the changes to 220 CMR 45.05(1)(a) would regulate pole attachment application forms and 220 CMR 45.05(5) would draw the line between smaller and larger orders at less than 3,000 poles or 5% of an owner's poles in Massachusetts, whichever is less. Both of those changes are problematic. More broadly, although Verizon does not take a position on establishing a self-help or OTMR, as noted above it does have concerns, which should be addressed if the Departments initiate a rulemaking to address those remedies. Likewise, further discussion would be required concerning the DTC's proposed timelines to address matters such as whether they provide sufficient time for all attachers sequentially to move or transfer their facilities, particularly where it is common to have several attachments on a pole. Verizon does not oppose the DTC's overlashing rules set out in its revised 220 CMR 45.07.

In contrast to the DTC's proposed rule changes, GoNetSpeed offers a host of self-serving revisions that would constitute a radical departure from the FCC's pole attachment rules and seek to relitigate issues that have been addressed by the DTC. Among other things, GoNetSpeed's revisions would shift costs to pole owners; create attacher-friendly processes for self-help and temporary attachments; impose draconian record-keeping requirements on pole owners; and create presumptions in favor of boxing, extension arms and the installation of third-party attacher facilities in the lowest pole position. These changes would accommodate GoNetSpeed at the expense not only of pole owners, but also of the pole technicians and members of the public

whose safety would be endangered. The Departments should reject GoNetSpeed's attempt to codify its wish list.

IV. COST ISSUES

A. Annual Pole Rental Rate Methodology for Cable and Telecommunications Facilities

Verizon currently uses the formula developed under M.G.L c. 166 § 25A (the "Massachusetts Formula") to calculate annual pole attachment rental rates for cable facilities and the methodology developed by the FCC under 47 CFR § 1.1406 (the "FCC Formula") to calculate the rates for telecommunication facilities. There is no reason to continue to use different formulas for the same types of facilities. We recommend that the Departments adopt a single pole attachment formula that is flexible enough to be applied to wireline and wireless telecommunications attachers and to cable television attachers and that would allow pole owners to recover the costs associated with attachments in the usable and non-usable space on the pole. A good way to achieve those objectives would be to use the FCC Formula for both sets of attachers.

B. Average Pole Height

NECTA proposes that actual pole height be used as an input to the pole attachment rate formula. Verizon has already adopted this approach. We began using actual average pole height in 2021 and started updating that figure on an annual basis for the rate that went into effect this year. For 2025, Verizon used an actual average pole height of 37.92 feet.

C. Tariff Rates

NECTA offers as an alternative proposal that pole attachment rates be tariffed. But tariffs are a cumbersome relic of regulation that would make no sense for Verizon because it uses the FCC formula and Massachusetts Formula to determine the rates for all telecommunications

carriers and all cable providers, respectively. Most of the pole cost and other information we use to set rates are publicly available. Verizon provides detailed pole cost information to the FCC as a remaining part of the ARMIS 43-01 filing, offering state-by-state details about costs used for the FCC pole attachment formula and the Massachusetts Formula. There is no need to add a layer of regulation over this transparent process.

D. Cost Causation

Whether pole owners or attachers must pay for a particular cost associated with make-ready work depends on which party causes the cost to be incurred.[16] Thus, when a taller pole is necessary to make space for a new attachment, Verizon only allocates the cost of pole replacement to an attacher if the existing pole is currently in a state of compliance (e.g., proper clearances exist and there are no defects in the pole) or could be brought into compliance without replacing it. If, on the other hand, make-ready surveys determine that a pole needs to be replaced due to factors other than the new attachment – such as damage, rot, or excessive lean – Verizon does not charge the attacher for that replacement, because the need to replace the pole was not caused by the new attachment. This approach to determining who is responsible for pole replacement does not appear to be in dispute.

GoNetSpeed makes a number of proposals that would shift costs from attachers to pole owners and violate the principle of cost causation. It asserts that make-ready estimates should be binding, which would allow attachers to shift costs to pole owners when the actual cost of performing make-ready work turns out to be more expensive than expected. For example, if pole replacement costs exceeded the estimate because rock was encountered when setting the new pole, GoNetSpeed would have the pole owner absorb the additional cost. But as the party whose

[16] *See CRC Communications LLC v. Massachusetts Electric Co.*, D.T.C. 22-4, Phase II Order at 11 (Aug. 12, 2024) ("GoNetSpeed Phase II Order") (appeal pending); M.G.L c. 166 § 25A.

request required the work to be done, the attacher must take on the risk that unforeseen circumstances will arise. GoNetSpeed also asks for deadlines on make-ready true-up estimates, presumably so it can avoid paying the full cost of the services it requested, even though it benefits from not having to pay sooner. This self-serving proposal should be rejected. Finally, GoNetSpeed asks that it not be required to foot the bill for resurvey costs if they are necessary because the original estimates have become stale. The DTC has addressed that precise issue and determined that GoNetSpeed is responsible for the survey costs.[17] GoNetSpeed's attempt to relitigate yet another issue should be rejected.

V. MEMORANDUM OF UNDERSTANDING AND DISPUTE RESOLUTION

Under the current Memorandum of Understanding between the Departments, with limited exceptions the DTC handles complaints concerning pole attachments for communications services and the DPU handles complaints concerning attachments for the transmission of electricity. In the Joint Order Opening Inquiry in this case, the Departments notified the parties that in the near future they plan to begin adjudicating formal pole attachment complaints jointly and invited comments on the best way to administer joint adjudications.[18] They also asked for comments more generally on how best to resolve formal and informal complaints.[19]

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[17] The DTC's analysis was straightforward:

> The Pole Attachment Statute clearly states that a pole owner "shall, at the expense of the [attacher], expand the capacity of its poles . . . where such capacity may be reasonably expanded by rearrangement or replacement." G.L. c. 166, § 25A. The statute makes clear that all make-ready costs caused by the attachers' application are to be incurred by the prospective attacher. In this case, that includes the cost of any field surveys and resurveys, in addition to the resulting make-ready work. As [GoNetSpeed] is the party requesting to attach on the poles, the cost of the resurveys which DTC allows in this Order are the responsibility of [GoNetSpeed].

GoNetSpeed Phase II Order at 11-12.

[18] Joint Order Opening Inquiry at 34.

[19] *Id*. at 34-35.

With respect to the administration of joint adjudications, National Grid and Eversource propose that each Department assign a hearing officer to formal complaint cases and that rulings be agreed upon by both hearing officers. That approach is workable for the most part, but leaves open the question of what happens when the two hearing officers cannot agree and reach an impasse. One solution would be that the hearing officer for the Department that previously would have had jurisdiction (based on the primary purposes of the attachment at issue) would make the ruling, which would make sense. National Grid and Eversource take a different view, suggesting that in the event of impasse "the DPU's position should be adopted if in any way the resolution of issue would affect the reliability of the electric system, the safety of electrical workers, or the costs of the electric distribution system and the rate impact to customers."[20] This approach would be problematic because arguably it would always give priority to the DPU, which would minimize the influence of the DTC even in cases where it has more expertise.

With respect to the complaint process in general, Verizon proposes three changes. First, formal dispute resolution processes in 220 CMR 45.00 should be expanded to include claims by utility pole owners against attachers. The current process under 220 CMR 45:00 has been effective in resolving complaints brought against pole owners, but disputes against attachers wind up in litigation, where judges who do not have familiarity with pole attachment issues are charged with making decisions that may not always align with the Departments' policies. In 2024, the New York Public Service Commissions closed this gap and clarified that dispute resolution should be available to both pole owners and attachers.[21] The Departments should follow the same approach. Second, Verizon proposes that a party be required to seek executive

[20] *See* National Grid Initial Comments at 33. *See also* Eversource Initial Comments at 34.

[21] Case 22-M-0101, Order Adopting Modifications to the 2004 Policy Statement on Pole Attachments and Related Proceedings (issued and effective July 22, 2024), at 14.

level resolution before bringing a complaint concerning pole attachments or conduit access. Such a requirement would ensure that the parties have exhausted settlement possibilities before pursuing dispute resolution with the Departments. Third, National Grid and Eversource propose a process that would enable the Departments to dismiss a formal complaint and open a rulemaking instead when it would be more appropriate to address the issues raised on an industrywide basis. Verizon supports that proposal.

VI. EVSE ISSUES

In its initial comments and its presentation during the technical workshops, Verizon described the drawbacks of mounting EVSE on poles. Those drawbacks include making it more difficult and dangerous to climb poles or access them with ladders; limiting the types of inspection that can be done, which may prevent the detection of decay and thus limit pole life; and making it more difficult and time-consuming to replace poles, which can lengthen the time it takes to address double poles. Despite these concerns, Verizon participated in an EVSE pilot program in the City of Melrose in 2021 in which the city attached EVSE equipment to seven jointly owned poles. Verizon's experience with the Melrose project confirms its concerns about the safety and practical difficulties with pole-mounted EVSE, at least as that technology exists today. Since the Melrose project was completed, we have not been asked by the City of Melrose to extend the project to additional poles, nor have we been asked by any other city in Massachusetts to carry out such a project.

At the technical sessions, a question was raised concerning how many poles in Massachusetts might be suitable for EVSE attachments. For the reasons outlined above, Verizon questions whether any poles are suitable for that purpose. Putting that point aside, Verizon would not be able to determine how many poles are in convenient locations for use as charging stations

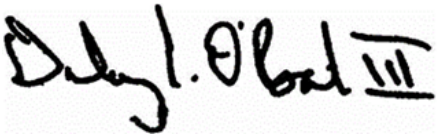
without undertaking a review of hundreds of thousands of poles. It seems fair to say, however, that the vast majority of poles are along streets and highways where it would not be safe or practical to establish charging stations or where the poles do not align with parking spaces.

Verizon acknowledges that EVSE technology may continue to evolve and that in the future pole-mounted EVSE may be a better alternative than it is today. Verizon is open to discussing such technological developments with city officials and considering more pilot projects if they appear promising. Pole owners should not, however, be required to mount EVSE on poles upon request because currently the costs of doing so far outweigh the benefits.

VII. CONCLUSION

As an ILEC pole owner and attacher with CLEC and wireless affiliates, Verizon understands the need to improve current pole attachment processes while maintaining safe and reliable facilities that serve ratepayers, communications customers, pole technicians, and the public. In these comments Verizon has proposed some practical ways to make progress toward those objectives. We look forward to working with the Departments and the other parties on improvements to the current make-ready processes, cost methodologies and dispute resolution procedures, and to discussing further how best to deploy EVSE in Massachusetts.

Respectfully submitted,



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