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**VIA E-FILE**

May 12, 2026

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Department of Telecommunications and Cable  
One Federal Street, Suite 0740  
Boston, MA 02110-2012

Massachusetts Department of Public Utilities  
One South Station, 3<sup>rd</sup> Floor  
Boston, MA 02110

Re: D.P.U. 26-10/D.T.C. 26-1; D.P.U. 25-10-A/D.T.C. 25-1-A  
Initial Comments of Gateway Infrastructure, LLC d/b/a Gateway Fiber

Dear Hearing Officers:

Enclosed please find Initial Comments of Gateway Infrastructure, LLC d/b/a Gateway Fiber on Proposed Rulemaking to Amend Pole Attachment, Duct, Conduit, and Rights-Of-Way Complaint and Enforcement Procedures.

Questions regarding this filing may be directed to undersigned counsel for the Company.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert J. Munnelly, Jr.'.

Robert J. Munnelly, Jr.

RJM/ew  
Encl.

Cc: Kerri Phillips, MA DPU ([kerri.phillips@mass.gov](mailto:kerri.phillips@mass.gov) - via email w/encl.)  
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**DEPARTMENT OF PUBLIC UTILITIES  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.P.U. 26-10/D.T.C. 26-1

Joint Investigation by the Department of Public Utilities and the Department of Telecommunications and Cable on their own motion instituting a rulemaking pursuant to G.L. c. 30A, § 2, 220 CMR 2.00, and 207 CMR 2.00, to amend 220 CMR 45.00: Pole Attachment, Duct, Conduit, and Right-of-Way Complaint and Enforcement Procedures

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D.P.U. 25-10-A/D.T.C. 25-1-A

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.

**INITIAL COMMENTS OF GATEWAY INFRASTRUCTURE, LLC  
D/B/A GATEWAY FIBER ON PROPOSED RULEMAKING TO AMEND POLE  
ATTACHMENT, DUCT, CONDUIT, AND RIGHTS-OF-WAY  
COMPLAINT AND ENFORCEMENT PROCEDURES**

**Introduction**

Gateway Infrastructure, LLC d/b/a Gateway Fiber (“Gateway Fiber” or “Company”) is a provider of competitive fiber optic Internet and telecommunications services to residential and business customers in many states, including Massachusetts. Gateway Fiber has been closely following the events of both the predecessor Notice of Inquiry in Dockets DPU 25-10 and DTC 25-1 and the instant rulemaking proceeding in Dockets DPU 26-10 and DTC 26-1. Company representatives virtually attended many of last summer’s technical sessions in the predecessor Notice of Inquiry proceeding. Gateway Fiber respectfully offers the following comments on the March 6, 2026 Order Instituting Joint Rulemaking and Further Inquiry on Memorandum of Agreement, including proposed regulations and other attachments (“Order” and “Proposed Rules,” respectively).

## Initial Comments of Gateway Fiber

Gateway Fiber appreciates the efforts made by the Commissioners and Staffs of the Department of Public Utilities (“DPU”) and Department of Telecommunications and Cable (“DTC”) (collectively, “Departments”) to elicit and confirm information on stakeholder, utility and governmental practices relating to pole attachments, underground facilities, and public rights-of-way, and to comprehensively review and substantially revise the longstanding shared attachment regulations administered by the Departments at 220 CMR 45.00. Gateway Fiber offers the following Initial Comments on the issues raised in the Order and Proposed Rules.

First, Gateway Fiber supports the Departments’ efforts in these proceedings to shorten time periods required to install or modify communications and other facilities on or under Massachusetts poles, underground conduit and/or rights-of-way. New facilities strengthen competition for communications services that provide a wide variety of benefits to Massachusetts residents and businesses. The Proposed Rules should expedite installation of these facilities to the extent practical. In particular, Gateway Fiber supports the use of reasonable timelines for completion of make-ready and service installations and strengthening reasonable self-help provisions, including the ability to retain contractors from approved lists to perform work that would otherwise be substantially delayed. Gateway Fiber reserves comments on specific timelines and self-help options until after it has reviewed updated information and specific proposals provided by utility, municipality and private company stakeholders in these Initial Comments.

Second, Gateway Fiber personnel have extensive experience working with Massachusetts utilities and existing attachers in applying for new attachments, reviewing detailed surveys of makeready work required to accommodate Gateway Fiber attachments, and reviewing associated cost estimates. Gateway Fiber also strongly supports the longstanding practice of determining

makeready placement and associated costs based on the date of application, with subsequent applications by other attachers receiving makeready estimates that assume completion of the work on behalf of the prior applicant. These practices relating to installation priority, makeready placement and makeready cost estimates are not specifically addressed in the Proposed Rules. Nevertheless, they are of critical importance for communications companies to be able to accurately schedule and reserve resources to pay for larger facilities buildouts that benefit Massachusetts consumers and businesses. Accordingly, Gateway Fiber would oppose any efforts to modify the Proposed Rules or the underlying utility attachment practices in a way that would allow later-filing applicants to “jump the line” ahead of providers whose applications are already on file with the utilities and have makeready estimates based on their next-in-line status.

Third, Gateway Fiber opposes in its current form the well-intentioned but flawed proposal (see Order, pp. 31-33) to require 90-day advance pre-application notice, plus meet and confer requirements, to all utilities, attachers and government agencies potentially involved in large facilities builds. This concern especially applies relative to the many Massachusetts municipalities currently considering constructing their own communications facilities in competition with privately-owned incumbent and new providers. Gateway Fiber is particularly concerned that advance information on a planned facility build in a municipality could be misused for competitive purposes, such as a new entrant receiving information on a planned build and then using a smaller application subject to a shorter 45-day advance notice period to jump ahead in line to serve a demographically attractive portion of the municipality or using the information available via the advance notice period to seek to lock up potential consumers on long-term contract terms and, thereby, seek to frustrate the economic benefits of the original buildout. These concerns could be addressed in the Proposed Rules by any of several reasonable

ways, including reconsidering the advance notice proposal, strictly limiting the stakeholders entitled to receive the advance notice and imposing confidentiality obligations, or expressly barring additional applicants from “line jumping” once an applicant complies with advance notice requirements.

Respectfully submitted,

**GATEWAY INFRASTRUCTURE, LLC  
D/B/A GATEWAY FIBER**

By its attorney,



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Dated: May 12, 2026