



Massachusetts  
Municipal  
Association

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May 12, 2026

Kerri DeYoung Phillips and Scott Seigal, Hearing Officers  
Department of Public Utilities  
One South Station, 3rd Floor  
Boston, Massachusetts, 02110

William Bendetson, Hearing Officer Department of Telecommunications and Cable  
1000 Washington Street, Suite 600  
Boston, Massachusetts, 02118

*Delivered Electronically*

Dear Officers DeYoung Phillips, Seigal, and Bendetson,

On behalf of all 351 cities and towns in our Commonwealth, the Massachusetts Municipal Association appreciates the opportunity to provide testimony on docket D.P.U. 26-10/D.T.C. 26-1, D.P.U. 25-10/D.T.C. 25-1 regarding the proposed amendments to 220 CMR 45.00 addressing Pole Attachment, Duct, Conduit, and Right-of-Way Complaint and Enforcement Procedures.

The MMA recognizes and supports the Departments' goals of fostering competition and consumer choice through streamlined pole attachment procedures. We agree that clear timelines for "One-Touch Make-Ready" and standardized application processes are essential as Massachusetts navigates a future defined by clean energy development, grid fortification, and broadband expansion. However, our primary concern as it relates to these proposed regulations is the impact on timely and complete removal of decommissioned "double poles" in our municipalities.

For decades, municipal officials have contended with an unsightly and unsafe backlog of double poles. Despite existing statutes (M.G.L. c. 166, § 34B) requiring the removal of decommissioned poles within 90 days, the reality in nearly every Massachusetts community is a landscape cluttered with outdated double pole infrastructure that persists for years.

According to previous reports, single utility companies have reported over 5,000 double poles awaiting removal at any given time. This figure represents only a fraction of the total backlog across all providers. Despite what many might say, this is not merely an aesthetic grievance – it is a systemic failure that reduces public confidence in utility providers and government oversight.

The MMA strongly urges the Departments to recognize that double poles create significant safety risks that cannot be ignored in a regulatory overhaul. These hazards include:

- **Obstruction and liability:** Double poles frequently obstruct the vision of drivers, hide road signs, and crowd intersections. Additionally, in a time of an increase in extreme weather events, double poles present a clear vulnerability in our infrastructure. These structures typically have only one pole anchored to the ground but carry lashing, high-voltage wires, and weight of a second decommissioned pole. This top-heavy configuration is a direct liability to the public.
- **Barriers to mobility:** Accessibility is an important concern for cities and towns. Double poles often block or narrow sidewalks and create insurmountable hazards for individuals using wheelchairs, mobility aids, or strollers. Failure to remove these poles often places municipalities in a position of involuntary non-compliance with ADA standards.
- **Infrastructure Project Delays:** Decommissioned poles that surpass the 90-day removal deadline frequently stall municipal infrastructure projects. These delays translate directly to increased costs for local taxpayers and jeopardize the efficiency of community investments.

For 220 CMR 45.00 to effectively serve the public interest, these regulations must move beyond reporting and provide municipalities with the leverage required to ensure utility accountability. The MMA recommends the following enhancements to the proposed regulations:

- **Database Access for All Municipalities:** Section 45.17 of the regulations requires utilities to report double pole data to the Departments annually. However, to manage the public right-of-way effectively, cities and towns must have the explicit authority to access NJUNS for all poles within their jurisdiction, not just the ones they have attachments on. Municipalities cannot hold attachers accountable for timelines they do not have access to.
- **Primary Responsible Ownership:** A recurring issue in municipalities is the lack of ownership over poles between joint pole owners. We recommend the regulations designate a Primary Responsible Owner for every pole who serves as the single point of accountability for the final physical removal of the structure and also streamline the new licensee application via one application to the primary pole owner instead of individually to each joint owner.
- **Financial Penalties for Non-Compliance:** The proposed regulations outline duties for licensees and utilities but lack a clear fee or fine structure for violations. Without an enforcement mechanism the timelines established are likely to be treated as suggestions rather than requirements. We urge the Departments to implement a per-diem fine for double poles that remain standing beyond a reasonable grace period after the final transfer. This fee should go back to the municipality to address infrastructure and safety issues on their streets.

The MMA is eager to collaborate with the DPU and the DTC to ensure these regulations work for everyone, primarily the residents who live among this infrastructure. We support the intention of creating more clarity and predictable timelines, but we must insist that these changes are leveraged to finally resolve the double pole crisis in our municipalities. We look forward to seeing

regulations that include stronger enforcement mechanisms and a clear path toward the removal of redundant infrastructure.

Please do not hesitate to reach out with any questions or concerns. You may contact me directly or MMA Legislative Analyst Violet Gehr at [vgehr@mma.org](mailto:vgehr@mma.org) at any time. We are grateful for your consideration of this matter and your support of all 351 cities and towns.

Sincerely,



Adam Chapdelaine  
Executive Director & CEO