



Municipal Electric Association of Massachusetts

Municipal Electric Association of Massachusetts, Inc. • 200 New Estate Road • Littleton, MA 01460

May 12, 2026

Massachusetts Department of Public Utilities
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RE: D.P.U. 26-10/D.T.C. 26-1, D.P.U. 25-10/ D.T.C. 25-1 - Comments on DPU 220 CMR 45.00: Pole Attachment, Duct, Conduit and Right-of-Way Complaint and Enforcement Procedures (D.P.U. 26-10/D.T.C. 26-1)

Dear Sir or Madam:

Thank you to the Massachusetts Department of Public Utilities (DPU) and the Massachusetts Department of Telecommunications and Cable (DTC) for the opportunity for the Municipal Electric Association of Massachusetts, Inc (MEAM) to provide stakeholder feedback on the proposed revisions to regulation 220 CMR 45.00 Pole Attachment, Duct, Conduit and Right-of-Way Complaint and Enforcement Procedures (D.P.U. 26-10/D.T.C. 26-1). The Municipal Electric Association of Massachusetts is a statewide association formed in 1953 and includes all 40 municipally owned electric utilities in the Commonwealth of Massachusetts. Our members have some genuine concerns with the proposed amendments to the regulations as they relate to safety and reliability of our distribution networks and an undue burden of recordkeeping and reporting. My name is Thomas P. Flaherty, Sr., the First Vice President of MEAM and the General Manager of the Westfield Gas + Electric Light Department / Whip City Fiber. On behalf of MEAM, I will be the point of contact for the DPU in the event that you have questions about this filing. My contact information is at the bottom of this letter.

The safety of MEAM utilities' employees, ratepayers and contractors is a primary concern for the membership. The employees of the Massachusetts municipally owned utilities are extensively trained to meet and exceed OSHA 1910.269, American Public Power Association (APPA) and National Electrical Safety Code (NESC) standards. When MEAM member utilities vetted contractors are utilized, the municipally owned light department who employs them routinely visits our sites ensuring that their contractors are working safely and efficiently. The departments document their safety observations through effective safety discussions, capturing both positive interactions and areas for improvement. Additionally, municipal light departments hold regularly scheduled meetings with the contractors to discuss their projects' progress which is communicated to both internal and external project stakeholders. Because of this important safety oversight, MEAM is opposed to the implementation of One Touch Make Ready (OTMR).

For reasons rooted in system reliability as well as safety, the members of MEAM are opposed to alternative attachment techniques (opposite side attachments or "boxing"). Boxing will create unsafe conditions for utility

workers and would violate the NESC Rule 236 on Climbing Utility Poles. Due to boxing, a pole could not be climbed to make any repairs. Boxing would require member light departments to use more bucket trucks and more personnel to perform repairs on boxed poles that could have been accomplished with a single worker climbing a pole. Boxing would lead to increased costs for our ratepayers when replacing poles for routine maintenance and storm restoration. It would also result in longer outage and pole replacement timelines. For instance, boxing would increase the amount of time to replace poles during outages. It would degrade the reliability of municipally owned utility systems.

If boxing is mandated, in order to keep utility workers safe, MEAM member utilities would set poles behind existing poles. As a result, boxed third-party attachments would have to splice their infrastructure in multiple places to get to the licensed side of the pole they are attached. Boxing method would cause MEAM utility workers to possibly attempt to weave a new pole in-between existing high voltage wires. Boxing should be an extreme exception and not the norm. Boxing should not be allowed because an attachment wants to avoid paying make ready costs. Additionally, if boxing is allowed, a backlog of double poles can easily develop. Further, if these new rules are adopted, how would companies that have processed through the current pole application process be compensated for their millions of dollars of investments to provide an equal playing field for the fair play of “competition”?

MEAM members also have significant concerns regarding liability exposure associated with accepting poles through the NJUN process. When a municipal light department assumes ownership of a pole through NJUN, it inherits responsibility for all existing attachments and associated conditions on that pole. This includes legacy installations that may not meet current safety standards, National Electrical Safety Code (NESC) requirements, or utility-specific construction practices.

Without the ability to fully verify that all third-party attachments are compliant at the time of transfer, municipal utilities may be exposed to increased legal and financial risk. This includes potential liability for injuries, service interruptions, or property damage resulting from pre-existing non-compliant or improperly installed facilities. Additionally, where proposed regulations could expand attachment types or allow alternative construction methods such as boxing or OTMR, the risk profile associated with accepting these poles is further elevated.

MEAM strongly recommends that the Departments recognize this transfer of liability and ensure that any regulatory changes include appropriate protections for pole owners. At a minimum, this should include clear responsibility for attachments to certify compliance prior to transfer, indemnification provisions, and the ability for municipal utilities to require remediation of non-compliant attachments before accepting ownership through the NJUN process.

In the interest of the reliability of the distribution infrastructure of the MEAM members, MEAM does not support the expansion of the application of their pole attachment regulations to Electric Vehicle Supply Equipment (EVSE). EVSE could complicate and slow down the current pole attachment process by including another pole attachment to consider and coordinate with regarding make-ready work. Therefore, the need to coordinate with EVSE attachments could increase the likelihood of double poles. Also, the EVSE attachment is principally located outside of the usable space for communications attachments, and below Verizon. Therefore, there is not a need to include them in the pole attachment regulations. Lastly, pole mounted EVSEs negatively impact the system reliability of MEAM members when responding to emergencies and storm conditions in the event of a pole replacement being required. Similar to streetlights, EVSE would have to be left on the side of the road next to the pole for the pole owners to cut and kick and/or replace this pole. Currently Verizon is the lowest communications attachment because they can make one visit to transfer and remove the pole. If EVSE was allowed and became



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the lowest attachment, it would require Verizon to make multiple visits to the same pole to transfer and then remove the pole.

Due to the diverse nature in the size of MEAM's member municipal utilities, MEAM is not supportive of additional informational filings and website postings proposed by both the Department of Public Utilities and the Department of Telecommunications and Cable. Several of MEAM's members have limited staff and financial resources. The additional reporting proposed by the amendments will create an undue burden on these municipal utilities.

Lastly, MEAM suggests that the Departments allow electric distribution company pole owners to reserve more space on their poles for future electric needs. As the Departments are aware, the electric system in Massachusetts is going through a period of transition due to efforts to address climate change. As a result, there are efforts to increase electrification and promote grid modernization. Municipal electric companies should be allowed to reserve more space on their poles so that there is enough space to accommodate future deployment of electric equipment needed to address increased demands on the electrical system.

Respectfully Submitted,

A handwritten signature in black ink that reads "Thomas P. Flaherty Sr." The signature is written in a cursive, flowing style.

Thomas P. Flaherty Sr.
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