



May 12, 2026

Peter A. Ray  
Secretary, Department of Public Utilities  
One South Station  
3rd Floor Boston, MA 02110

Ursula Estremera  
Secretary, Department of Telecommunications and Cable  
One Federal Street  
Suite 0740  
Boston, MA 02110

**Re: Zayo Comments Regarding Proposed Rulemaking in Docket D.P.U. 26-10/D.T.C. 26-1**

Dear Secretary Ray and Secretary Estremera:

I am writing on behalf of Zayo Group, LLC (“Zayo”), which is a global telecommunications infrastructure company that constructs, operates, and maintains a robust fiber-optic network that delivers critical communications services both locally and nationally.

Across Massachusetts, Zayo has committed significant capital expanding our fiber-optic network and increasing the availability of broadband services for communities across the Commonwealth. Broadband access is an essential component of every healthy, vibrant community. When communities – especially ones in rural areas – gain access to high-speed internet, the benefits are profound and far-reaching. Reliable broadband provides residents with greater access to educational opportunities, employment resources, and healthcare services, while also driving economic development in the communities where they live.

With Zayo’s recent acquisition of Crown Castle’s fiber business, Zayo’s network across the Commonwealth now spans approximately 4,000 fiber miles. Notably, roughly 1,900 fiber miles are aerial cables attached to utility poles. As such, Zayo is in a unique position to speak to issues that frequently arise in the context of pole attachments and to offer solutions that will help produce positive deployment outcomes in Massachusetts.

From the outset, Zayo appreciates the Departments' efforts to modernize a regulatory framework that has remained largely unchanged for decades, and we recognize the importance of establishing clearer statewide rules governing pole attachment access and coordination.

At the same time, Zayo agrees with and shares NECTA's concerns that several aspects of the proposed regulations risk undermining the very deployment efficiencies the Departments seek to promote. More specifically, the proposed rules: (1) establish deployment timelines that are excessively complicated and operationally burdensome; (2) impose extensive pre-application notice and meet-and-confer requirements that will delay deployment before an application may even be filed; (3) include broad and open-ended deviation provisions that effectively render the prescribed timelines unenforceable; and (4) fail to establish a meaningful rapid dispute resolution mechanism capable of resolving disputes in real time during active deployment projects.

For these reasons, and as further detailed below, Zayo believes that the Departments should substantially revise the proposed rules before adoption.

**1. THE PROPOSED TIMELINES ARE EXCESSIVELY COMPLEX AND WILL CREATE ADDITIONAL DELAY**

The proposed deployment timelines and procedural framework are excessively complex and difficult to administer. The rules create multiple categories of applications, timelines, and processes depending on application size, OTMR eligibility, and whether make-ready work is deemed "simple" or "complex." Rather than streamlining deployment, this layered framework will create confusion, increase disputes over categorization and eligibility, and make project planning significantly more difficult for both utilities and attachers.

Zayo also shares NECTA's concern regarding the proposed 60-day aggregation period for pole attachment applications. Zayo's Massachusetts work is often driven by discrete customer needs rather than a single speculative network build. Aggregating separate applications submitted within a 60-day period could cause unrelated, customer-specific projects to be treated as one larger request for timeline purposes. In practice, that could push ordinary public-sector, education, healthcare, wireless, or business service requests into longer and more burdensome processing categories simply because they happened to be submitted within the same two-month window. That result would undermine the purpose of adopting timelines in the first place. Timelines should reflect the actual size and complexity of a project, not artificially combine unrelated applications and create additional delay for customers waiting for service.

The Departments correctly recognize that deployment efficiency and predictability are essential to broadband and telecommunications investment. However, the proposed rules risk producing the opposite result: procedural complexity that increases administrative friction and slows deployment.

The Departments should instead adopt a more straightforward and uniform timeline framework that minimizes categories, reduces procedural triggers, and provides greater predictability for all stakeholders.

2. **THE PROPOSED PRE-APPLICATION NOTICE AND MEET-AND-CONFER REQUIREMENTS ARE UNDULY BURDENSOME**

The proposed advance notice and mandatory meet-and-confer requirements are overly burdensome and will delay projects before formal review even begins. As proposed, the regulations would require attachers to provide advance notice to utilities, existing attachers, and governmental authorities as much as 90 days before filing certain applications, which would be followed by mandatory coordination meetings.

In practice, telecom providers already engage extensively with municipalities, permitting authorities, utilities, and contractors during deployment. Adding mandatory pre-application coordination requirements will impose additional delay, cost, and procedural uncertainty without materially improving deployment outcomes — particularly for competitive providers attempting to deploy infrastructure on reasonable schedules.

Moreover, the proposal contains no meaningful limitations on the scope or duration of these pre-application processes. A provider could satisfy all advance notice requirements only to encounter repeated requests for additional coordination meetings, revised project descriptions, or further governmental consultation before an application is deemed ready to proceed.

The Departments' stated objective is to facilitate more efficient access to utility poles and rights-of-way. However, requiring mandatory advance coordination periods of up to 90 days before applications may meaningfully proceed is inconsistent with that objective.

The Departments should eliminate or substantially narrow these requirements and instead encourage voluntary coordination practices without making them mandatory prerequisites to deployment.

**3. THE PROPOSED DEVIATION PROVISIONS RENDER THE TIMELINES EFFECTIVELY MEANINGLESS**

Although the proposed regulations establish numerous timelines, the proposal simultaneously authorizes broad deviations from those timelines whereby utilities and existing attachers may extend deadlines for a wide range of reasons, including permitting delays, weather events, resource constraints, and other operational issues.

While some flexibility may be appropriate in limited circumstances, the proposal here is so expansive that the timelines cease to function as meaningful deadlines. Nearly every significant deployment project will involve some combination of permitting coordination, municipal scheduling constraints, weather impacts, contractor limitations, or operational conflicts. As drafted, the deviation provisions effectively swallow the rule.

Indeed, because the proposal also provides that many timelines do not even begin to run until all governmental approvals are obtained, attachers face the prospect of indefinite delay before timelines commence, followed by additional indefinite extensions once they do commence.

The Departments should revise the proposal to ensure that timelines are firm, enforceable, and subject only to narrow, clearly defined exceptions. Without enforceable deadlines, the regulations will fail to provide the certainty and accountability necessary to support timely deployment.

**4. THE PROPOSED RULES FAIL TO ESTABLISH A MEANINGFUL RAPID DISPUTE RESOLUTION PROCESS**

Finally, the proposed rules critically lack a meaningful rapid dispute resolution mechanism. While the Departments discuss possible future Alternative Dispute Resolution procedures, the proposed rules do not establish a binding expedited process capable of resolving active deployment disputes in real time.

Formal complaint procedures that may take 180 to 360 days are not commercially workable and do not provide a meaningful remedy for modern broadband deployment projects, where disputes over access, make-ready classification, contractor approval, or scheduling often require immediate resolution.

The absence of a binding expedited dispute resolution process is particularly problematic given the extensive procedural complexity and discretionary deviation authority embedded throughout the proposed regulations. Without a fast and enforceable mechanism to resolve disputes, providers will remain vulnerable to prolonged delays that undermine investment and deployment certainty.

The Departments should establish a rapid adjudicatory mechanism with mandatory short-form timelines for interim relief and emergency dispute resolution, including accelerated review procedures capable of resolving disputes within days or weeks — not months.

Zayo appreciates the Departments' efforts to modernize Massachusetts' pole attachment framework and supports the goal of improving coordination and deployment efficiency statewide. However, the proposed regulations, as currently drafted, risk creating a process that is more procedurally burdensome, less predictable, and more delay-prone than the current system.

For these reasons, Zayo respectfully requests that the Departments revise the proposal to simplify the rules, narrow the deviation authority, reduce pre-application burdens, and establish an enforceable expedited dispute resolution process.

If you have any questions, please feel free to contact me at [megan.glander@zayo.com](mailto:megan.glander@zayo.com).

Sincerely,



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