

**Before the
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES
and
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

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: <u>Pole Attachment, Duct, Conduit, and Right-of-Way Complaint and Enforcement Procedures.</u>)	
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)	D.P.U. 26-10
)	D.T.C. 26-1
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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-A
)	D.T.C. 25-1-A
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)	
)	June 11, 2026
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REPLY COMMENTS OF CTIA

CTIA submits the following reply comments in response to the Massachusetts Department of Public Utilities’ and Department of Telecommunications and Cable’s (“Departments”) March 6, 2026 Order Instituting Joint Rulemaking and Further Inquiry on Memorandum of Agreement (“Order”) and draft regulations (“Proposed Rules”) in the above-captioned proceeding.¹

The comments in this proceeding illustrate broad support for the Departments to modernize their pole attachment rules, which at present, create barriers to deployment that discourage investment in the Commonwealth as compared to surrounding jurisdictions.

¹ Order at Att. B.

Opening comments also suggest that the Departments should consider changes to the Proposed Rules to align them more closely with the siting reforms made at the federal level, or at a minimum, committing to an ongoing process to monitor the impact of the Proposed Rules and, if not effective in reducing delay, taking more aggressive action.

I. OPENING COMMENTS DEMONSTRATE THE NEED FOR THE DEPARTMENTS TO TAKE ACTION TO REFORM THE POLE ATTACHMENT PROCESS IN MASSACHUSETTS.

Opening comments broadly express agreement with CTIA that the time is right for the Departments to modernize their pole attachment process to expedite broadband deployment in Massachusetts, especially considering that the Commonwealth trails behind the region in reducing barriers to deployment.

In its comments, NECTA notes the significant investment in broadband in the New England region in recent years, including the influx of federal funding.² The wireless industry has been a pacesetter in broadband deployment investment, spending over \$30 billion a year for the last decade in capital improvements.³

Meanwhile, GoNetspeed points out the significant excess cost and times to deployment in the Commonwealth as compared to surrounding jurisdictions.⁴ ExteNet, in its comments, describes delays of up to two years in siting in Massachusetts.⁵

This evidence demonstrates that the Departments' choice to implement process advancements such as shot clock timelines and self-help remedies in Massachusetts is the correct

² See Comments of the New England Connectivity and Telecommunications Association [(“NECTA”)], Docket Nos. D.P.U. 26-10/D.T.C. 26-1 (May 12, 2016) (“NECTA Comments”) at 2-3.

³ See CTIA.org, “2025 Annual Survey Highlights” (Sep. 8, 2025), <https://www.ctia.org/news/2025-annual-survey-highlights>.

⁴ GoNetspeed’s Initial Comments, Docket Nos. D.P.U. 26-10/D.T.C. 26-1 (May 12, 2016) (“GoNetspeed Comments”) at 4-5.

⁵ Comments of ExteNet Systems, Docket Nos. D.P.U. 26-10/D.T.C. 26-1 (May 12, 2016) at 2.

one. In particular, commenters demonstrate that clear, well-enforced rules are necessary. As GoNetspeed says in its comments, “rules are only effective if they are reasonably enforceable.”⁶ Multiple commenters also agree with CTIA that expedited dispute resolution is an important provision for the Departments to implement in order to help ensure that quickly resolvable disagreements do not delay the pace of deployment.⁷

II. THE DEPARTMENTS SHOULD CONSIDER SHORTENING THE PROPOSED “SHOT CLOCKS” TO BETTER MATCH FCC REFORMS.

Some commenters make a compelling case that the Departments should consider shortening the timeframe for shot clocks. NECTA and GoNetspeed describe the compounding effect of the Proposed Rules exceeding the FCC’s timelines, noting that in some scenarios the timelines in the Proposed Rules would not result in any discernible reduction in deployment timelines.⁸ ACLP’s comments also urge the Departments “to align their rules with those developed by the FCC,”⁹ arguing that the Proposed Rules would continue to drive investment away from the Commonwealth, and illustrating the point via a comparison of the Proposed Rules with those in surrounding jurisdictions.¹⁰ NECTA also notes the inefficiencies and confusion caused by differences between states’ regimes in the same region.¹¹

At a minimum, the Departments should ensure that these Proposed Rules are a starting point for reducing delays, and, if they are not effective in reducing deployment delays, the Departments should commit to more aggressive targets in the future.

⁶ GoNetspeed Comments at 17.

⁷ *See, e.g.*, NECTA Comments at 35-40; GoNetspeed Comments at 34.

⁸ NECTA Comments at 4-5, 10-13; GoNetspeed Comments at 5-10.

⁹ Comments of the Advanced Communications Law & Policy Institute (ACLP) at New York Law School, Docket Nos. D.P.U. 26-10/D.T.C. 26-1 (May 12, 2016) (“ACLP Comments”) at 1-2.

¹⁰ ACLP Comments at 7-8.

¹¹ NECTA Comments at 28-29.

III. ANY NEW LICENSEE THAT REQUIRES ADDITIONAL CAPACITY SHOULD BEAR THE COSTS, IF THAT IS THE ONLY REASON A POLE NEEDS TO BE REPLACED.

NECTA's redlines include an edit to Proposed Rule 45.05 (1) regarding pole replacements due to lack of capacity.¹² While its proposed edit is, as stated in margin comments, intended to be consistent with M.G.L. c.166 § 25A, that particular section of the statute refers only to wireless providers but the Proposed Rules address "licensees" more generally. Accordingly, if the Departments accept the proposed edit from NECTA, they should replace "wireless provider" with "licensee" wherever it appears, so that all licensees are treated in a non-discriminatory manner.

IV. CONCLUSION

CTIA appreciates the Departments' work in this proceeding to modernize the Commonwealth's pole attachment rules. CTIA looks forward to the Departments' forthcoming adoption of regulations that will help reduce siting delays and accelerate the pace of broadband deployment in Massachusetts.

/s/ Geoffrey G. Why
Geoffrey G. Why
Verrill Dana LLP
One Federal Street, 20th Floor
Boston, MA 02110
(847) 233-3275
gwhy@verrill-law.com
Attorneys for CTIA

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¹² NECTA Comments at Att. B p. 11.