

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES
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: Pole Attachment, Duct, Conduit, and Right-of-Way Complaint and Enforcement Procedures.

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

**REPLY COMMENTS OF THE NEW ENGLAND CONNECTIVITY AND
TELECOMMUNICATIONS ASSOCIATION**

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The New England Connectivity and Telecommunications Association, Inc. (“NECTA”)¹ respectfully submits these reply comments in response to the initial comments filed in the above-referenced proceeding. These reply comments respond to the Order Instituting Joint Rulemaking and Further Inquiry on Memorandum of Agreement issued by the Department of Public Utilities (“DPU”) and the Department of Telecommunications and Cable (“DTC”) (together, the “Departments”) on March 6, 2026, in dockets D.P.U. 26-10/D.T.C. 26-1 and D.P.U. 25-10-A/D.T.C. 25-1-A.²

I. INTRODUCTION AND SUMMARY

In its initial comments, NECTA identified four critical deficiencies with the Proposed Rules: (1) unreasonably long deployment timelines driven by too many procedural steps, each with excessively long deadlines, creating a regime far more complicated and time-consuming than the FCC’s proven framework or those of any neighboring state; (2) an unnecessary and burdensome second meet-and-confer requirement at the make-ready stage; (3) a requirement that

¹ NECTA is a five-state regional trade association representing substantially all private cable broadband companies in Massachusetts, Connecticut, New Hampshire, Rhode Island, and Vermont (“NECTA Members”). NECTA Members have long been committed to expanding broadband access and adoption to all Bay Staters and have worked with the Massachusetts Broadband Institute for decades to reach unserved and underserved areas in the Commonwealth. NECTA Members offer advanced communication services, among other services, in Massachusetts via facilities and equipment attached to utility poles that are jointly owned or solely owned by electric distribution companies such as Eversource, National Grid, and Unitil, incumbent local exchange carriers, such as Verizon Communications, and municipal light plants. NECTA Members are attached to approximately 80 percent of the more than 1.5 million utility poles in Massachusetts. Collectively, NECTA Members pay pole owners approximately \$18 million in pole attachment fees per year to attach our facilities.

² See *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.*, D.P.U. 26-10/D.T.C. 26-1, Order Instituting Joint Rulemaking and Further Inquiry on Memorandum of Agreement (Mar. 6, 2026) (“Order”).

both meet-and-confer meetings include existing licensees and government authorities, which is unadministrable, competitively harmful, and likely to generate delays and disputes; and (4) the lack of a meaningful rapid, enforceable dispute resolution mechanism.

The record in this proceeding broadly confirms these concerns. Commenters aligned with NECTA—including Zayo Group, LLC (“Zayo Group”), the Advanced Communications Law & Policy Institute at New York Law School (“ACLP”), CTIA – The Wireless Association (“CTIA”), ExteNet Systems, LLC (“ExteNet”), CRC Communications, LLC d/b/a GoNetspeed (“GoNetspeed”), OpenCape Corporation (“OpenCape”), Gateway Infrastructure, LLC d/b/a Gateway Fiber (“Gateway Fiber”), and Ripple Fiber (which did not file written comments but testified at the Departments’ public hearing)—agree that the Proposed Rules are unduly complex, impose unreasonably long timelines, and require fundamental revision. Even Verizon New England, Inc. (“Verizon”), which is not aligned with NECTA on the problematic timelines in the Proposed Rules, supports removing the second meet-and-confer requirement in proposed 207 CMR 45.08(5)(b)(2) and (3). By contrast, only the electric distribution companies (“EDCs”)³ seek changes that would make the Proposed Rules even more burdensome, including longer aggregation windows for applications, increased advance-notice periods, and broader deviation authority.

The record also reflects that the Proposed Rules, as drafted, would create a deployment framework that is slower, more complicated, and less predictable than the FCC’s framework and those of neighboring states. The timelines are burdened by long deadlines, overlapping obligations and notice periods, ambiguous triggering events, and multiple opportunities for delay

³ The EDCs consist of NSTAR Electric Company d/b/a Eversource Energy (“Eversource”), Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid (“National Grid”), and Fitchburg Gas and Electric Light Company d/b/a Unitil (“Unitil”).

before applications even reach the make-ready stage. The record confirms that these features would materially lengthen time-to-build for projects of all sizes, discourage broadband investment, and make Massachusetts a regional and national outlier rather than aligning it with established, road-tested approaches that facilitate timely deployment while preserving safety and reliability. On the very day these reply comments are due, the FCC issued a Public Notice reminding reverse-preemption states, such as Massachusetts, “to issue and make effective rules and regulations implementing their regulatory authority over pole attachments” as part of their role as “important facilitators of broadband deployment through their pole attachment regulations.”⁴ The FCC expresses concern that “insufficient state regulation of pole attachments . . . has the potential to be a barrier to broadband deployment” and seeks comment on how to address these concerns through the certification process.⁵ The Departments are presented with an opportunity to show leadership by adopting updates to its rules consistent with state and federal goals with respect to broadband deployment. Adopting rules that make the Commonwealth an outlier would not be consistent with these goals.

The record also strongly supports NECTA’s position that the first meet-and-confer requirement should be narrowed to include only the applicant and pole owners, and that the second meet-and-confer requirement should be eliminated altogether. Requiring participation by existing licensees and government authorities creates administrability problems, competitive risks, and delay at critical stages of the process without any demonstrated corresponding benefit.

The same is true of the Proposed Rules’ broad timeline deviation provisions, which risk

⁴ Public Notice, Wireline Competition Bureau, *Wireline Competition Bureau Reminds Reverse-Preemption States of Obligation to Effectively Regulate Pole Attachments and Seeks Comment on Need for Changes to the Commission’s Certification Rules to Ensure Effective State Pole Attachment Regulation*, WC Docket Nos. 17-84, 10-101, at 1 (rel. Jun. 11, 2026).

⁵ *Id.* at 4-5.

converting enforceable deadlines into aspirational targets by allowing routine project circumstances to excuse noncompliance. NECTA urges the Departments to adopt a more disciplined framework—one that tailors coordination requirements to what is actually necessary and useful, constrains deviations to truly extraordinary circumstances, and preserves meaningful, enforceable deadlines.

Pole owners, and the EDCs in particular, seek revisions that would make broadband deployment slower, more expensive, and less certain. Claiming safety and reliability concerns, the EDCs propose expanding the aggregation window for pole applications from 60 to 120 days, increasing the advance-notice requirement from 90 to 120 days, reducing the small-order category to just 10 poles, and requiring negotiated timelines for orders above 3,000 poles rather than 5,000 poles. But there is no basis for their demands, much less one grounded in safety or reliability grounds. Rather, their proposals reflect an unwillingness to change entrenched practices that are often unfavorable to new attachers. As a practical matter, they would lengthen the already unreasonable timelines in the Proposed Rules, create more opportunities for delay, and reduce the predictability necessary for broadband providers to plan routes, complete deployment projects, and ultimately deliver broadband service to consumers quickly and efficiently. Just as importantly, the EDCs fail to provide any factual basis for expanding the timelines in the Proposed Rules, and no commenter identifies any Massachusetts-specific safety or reliability concern that would justify making the Commonwealth such an outlier. At bottom, the EDCs seek to preserve their unfettered discretion and ability to delay deployment, both of which run counter to the fundamental reason for clear rules of the road in this monopoly environment and the Departments' stated goals in this proceeding. Accordingly, the Departments should reject the EDCs' proposals and move forward with adopting rules consistent with

NECTA's proposals, which are designed to shorten deployment timelines and accelerate broadband deployment.

NECTA also addresses in these reply comments why the Proposed Rules require targeted revisions beyond timelines and meet-and-confer requirements. A complaint process taking 180 to 360 days—or longer if disputes are diverted into rulemaking—cannot provide a meaningful backstop for missed deadlines or improper conduct. The Departments should instead adopt an expedited and enforceable dispute resolution mechanism. The Departments should also address additional issues identified by NECTA and supported in the record, including the need for: (1) a deemed-complete rule, (2) broader OTMR eligibility, (3) a single application process for jointly owned poles, (4) self-help for make-ready estimates, (5) a make-ready timeline triggered by payment rather than municipal permitting, and (6) fairer treatment of application-voiding provisions. NECTA also clarifies that its positions are not in tension with the proposals put forth by the International Brotherhood of Electrical Workers Second District (“IBEW”) and that the Departments can adopt *both* NECTA's *and* IBEW's reforms without conflict. In short, the record demonstrates that Massachusetts should move toward a simpler, more enforceable, and more deployment-oriented regime.

II. THE RECORD DEMONSTRATES THE PROPOSED RULES WILL RESULT IN AN UNREASONABLE TIME-TO-BUILD AND ARE UNDULY COMPLEX

A. The Record Supports Streamlining the Proposed Rules Not Expanding Them.

As NECTA's initial comments explained, the Proposed Rules' most fundamental deficiency is the unreasonable length and complexity of their deployment timelines.⁶ A diverse array of stakeholders agree that the rules add unnecessary, burdensome, and complex procedural

⁶ Comments of the New England Connectivity and Telecommunications Association, Docket Nos. D.P.U. 26-10 and D.T.C. 26-1, at 5-30 (filed May 12, 2026) (“NECTA Comments”).

steps that extend deadlines and invite unnecessary disputes.⁷ Rather than providing “greater certainty and guidance,” the Proposed Rules would create a multi-stage process with overlapping notice periods, sequential meetings, ambiguous deadline triggers, and broad deviation provisions that will delay deployment.

As NECTA demonstrated through detailed timeline analysis, even a mid-sized project (involving as few as 301 poles) would require almost a full year from initial notice to the beginning of construction, and large projects (3,001 poles) would take roughly 100 days longer without accounting for local permitting, possible resubmissions or missed deadlines.⁸ GoNetspeed further noted that a 5,500-pole deployment would take at least 16 months under the Proposed Rules, compared to under one year under FCC rules.⁹

Multiple other commenters also confirm these timelines raise serious issues and are unworkable. For example, Zayo states that the timelines are “excessively complex and operationally burdensome” and will “create additional delay,” emphasizing that its work is “often driven by discrete customer needs rather than a single speculative network build.”¹⁰

⁷ See, e.g., Comments of the Zayo Group, LLC, Docket Nos. D.P.U. 26-10 and D.T.C. 26-1 (filed May 12, 2026) (“Zayo Comments”); Comments of CRC Communications, LLC, d/b/a GoNetspeed, Docket Nos. D.P.U. 26-10 and D.T.C. 26-1 (filed May 12, 2026) (“GoNetspeed Comments”); Comments of the Advanced Communications Law & Policy Institute at New York Law School, Docket No. D.P.U. 26-10 and D.T.C. 26-1 (filed May 12, 2026) (“ACLP Comments”); Comments of CTIA, Docket Nos. D.P.U. 26-10 and D.T.C. 26-1 (filed May 12, 2026) (“CTIA Comments”); Comments of ExteNet Systems, LLC, Docket Nos. D.P.U. 26-10 and D.T.C. 26-1 (filed May 12, 2026) (“ExteNet Comments”); Comments of Gateway Infrastructure, LLC d/b/a Gateway Fiber, Docket Nos. D.P.U. 26-10 and D.T.C. 26-1 (filed May 12, 2026) (“Gateway Fiber Comments”).

⁸ NECTA Comments, Ex. A.

⁹ GoNetspeed Comments at 9.

¹⁰ Zayo Comments at 2.

The ACLP explains that the rules are “utility-centric” and will “reduce certainty for ISPs,” “disincentivize ISP investment,” and “delay broadband expansion,” because the proposed timelines diverge markedly from every neighboring state and the FCC.¹¹ ACLP points out that if the Proposed Rules are adopted as is, Massachusetts would be the only state with five separate pole order tiers each establishing different timelines, a mandatory meet-and-confer for mid-sized orders, and 45–90 day advance notice periods before applications can even be submitted.¹² The ACLP warns that due to the complexity of the Proposed Rules and length of the deployment timelines, multi-state ISPs passing in Massachusetts “will likely prioritize resources in states whose poles are governed by [the more streamlined] FCC rules.”¹³

B. The EDCs’ Proposals Would Further Lengthen Timelines and Are Unsupported in the Record.

The EDCs offer several modifications to the Proposed Rules that would individually, and in the aggregate, significantly extend these already unworkable timelines. They suggest expanding the aggregation window—the window that defines order size—from 60 to 120 days, increasing the advance notice requirement from 90 to 120 days, reducing the small-order category to just 10 poles, and requiring negotiated timelines for all orders above 3,000 poles.¹⁴ Notably, not a single other commenter supports any of these proposals.

As NECTA explained in its initial comments, the 60-day aggregation window in the Proposed Rules is already problematic, unadministrable and would delay numerous smaller,

¹¹ ACLP Comments at 2-3.

¹² *Id.* at 7.

¹³ *Id.* at 3.

¹⁴ Comments of Eversource, National Grid, and Unitil (collectively, “Companies,” “Electric Distribution Companies,” or “EDCs”), Docket Nos. D.P.U. 26-10 and D.T.C. 26-1, at 12-14, 16 (filed May 12, 2026) (“EDC Comments”).

unrelated projects in different geographic areas that by virtue of the aggregation window become mid-size or large projects, unnecessarily extending the deployment timelines.¹⁵ Expanding the aggregation window to 120 days would sweep even more unrelated, geographically diverse, potentially customer-specific projects into larger processing categories simply because they happened to be submitted within the same four-month window. A project in Wellfleet is wholly unrelated to a project in Buckland. The Departments' proposed 60-day window is already twice the FCC's 30-day period; 120 days would be four times as long.¹⁶ The EDCs do not provide sufficient justification for such an expansion, which would simply be to delay small and regular-sized projects that could otherwise be deployed relatively quickly.

Likewise, reducing the small-order category to 10 poles would push routine, simple projects into longer processing categories, eliminating streamlined processing for most attachment projects. The EDCs have not demonstrated why this change is necessary for safety or reliability, or what, if any, benefits the public would derive from this redefinition.

Finally, requiring negotiated timelines for orders above 3,000 poles (rather than the proposed 5,000) would remove enforceable deadlines for significant large-scale deployments. This is particularly problematic given that many state and federally-funded projects require completion within fixed windows.¹⁷ As other commenters point out, to be effective at facilitating deployment, the Proposed Rules must include *enforceable* deployment timelines, not

¹⁵ NECTA Comments at 6-10.

¹⁶ 47 C.F.R. § 1.1411(g)(5).

¹⁷ See, e.g., *Broadband Equity, Access, and Deployment (BEAD) Program: BEAD Restructuring Policy Notice*, Notice, NTIA, 11 (rel. June 6, 2025) (“As required by IJA, all subgrantees must deploy the planned broadband network, regardless of the technology utilized, and be able to perform a standard installation for each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from the Eligible Entity.”).

opportunities for the appearance of negotiation, and more opportunities for delay and disputes.¹⁸ Requiring negotiations for large orders would run counter to the Departments’ goals in this proceeding.

The EDCs anchor their suggested changes, which would make broadband deployment more difficult, in the assertion that broadband deployment must not compromise safety and reliability of electric service. All parties agree that attachments on poles must comply with the NESC and all applicable codes. NECTA agrees that ensuring safe, reliable electric service is critical. But the EDCs’ repeated invocation of the safety and reliability mantra to justify their proposals does not change the fact that adoption of the proposals is not required to protect safety nor supported by the experience of neighboring states or the FCC. If shorter timelines elsewhere had created safety problems, surely the EDCs would have provided examples; they did not.¹⁹ As the ACLP observes, “by deploying rapid response teams to address pole disputes, the FCC and states like Connecticut and Maine have shown that moving more quickly does not undermine grid safety or reliability.”²⁰ Every other New England state (Connecticut, Vermont, Maine, New Hampshire, and Rhode Island), as well as New York—all sharing utilities and contractors with Massachusetts—have either adopted more streamlined rules, or operate under rules that are nearly identical to the FCC rules, without safety issues.²¹

¹⁸ CTIA Comments at 3-4; ExteNet Comments at 2-3.

¹⁹ *See generally* EDC Comments.

²⁰ ACLP Comments at 10.

²¹ *See* Connecticut Public Utilities Regulatory Authority, *Investigation of Third-Party Pole Attachment Process*, Docket No. 19-01-52RE01, Final Decision (May 11, 2022) (“2022 PURA Order”); Maine CMR Ch. 880, §§ 1-11; New York Public Service Commission, *Order Adopting Modifications to the 2004 Policy Statement on Pole Attachments and Related Proceedings*, Case 22-M-0101 (July 22, 2024) (“2024 NY PSC Order”); N.H. Code Admin. R. En §§ 1301.01-1303.13; Vt. Admin. Code 18-1-8:3.700 *et seq.* Rhode Island is not a certified state, *see States That Have Certified That They Regulate Pole Attachments*, Public Notice, 37 FCC Rcd. 6724

The EDCs’ contention that Massachusetts’s robust existing broadband coverage means “dramatic changes” to pole attachment rules are not justified or necessary, mischaracterizes the issue.²² Massachusetts has robust coverage *despite* its pole attachment ecosystem that contains no timelines, not because of it. There is a reason that the Massachusetts Broadband Institute has had to actively oversee the make-ready work associated with its broadband deployment programs for the last decade and continues to do so today, including by hosting biweekly calls with pole owners and attachers.²³ The question in this proceeding is not whether the current rules are adequate, but whether the Proposed Rules’ timelines are reasonable and will *better* facilitate the Commonwealth’s broadband goals. The ACLP confirms that the Commonwealth’s 99.1% broadband availability was achieved through a competitive marketplace—not complex regulatory regimes.²⁴ Adopting materially more burdensome rules and then modifying those rules with even longer timelines risks diverting investment away from current projects and deployments and toward other service areas or technologies. The Departments should instead seek to align the Massachusetts rules with simpler, streamlined, and time-tested frameworks adopted by the FCC and neighboring states that have also modeled their rules on the FCC’s.

(WCB 2022) (listing each state that has certified that it regulates pole attachments and not listing Rhode Island), therefore the FCC rules apply in the state.

²² EDC Comments at 6.

²³ *See Baker-Polito Administration Celebrates Completion of Make Ready Work, Critical to Extending Broadband to “Last Mile” Towns*, MASSACHUSETTS BROADBAND INSTITUTE (Mar. 24, 2022), <https://broadband.masstech.org/news/baker-polito-administration-celebrates-completion-make-ready-work-critical-extending-broadband>.

²⁴ ACLP Comments at 4-5.

III. THE RECORD SUPPORTS NECTA'S POSITION THAT THE MEET AND CONFER REQUIREMENTS MUST BE NARROWED OR ELIMINATED

As NECTA explained in its initial comments, the meet-and-confer requirements are extremely problematic and exacerbate the issues raised above. They inject delays at two critical junctures in the application and deployment process, require coordination among parties who may be unable or unwilling to participate, and raise serious competitive concerns—all without any plausible benefit. The record broadly supports NECTA's view that these requirements are overbroad and should be substantially revised or eliminated.

A. Both Meet-and-Confer Requirements Are Overbroad in Requiring Participation by Existing Attachers and Government Authorities, Creating Administrability Problems, Competitive Harm, and Inevitable Delay.

The Proposed Rules subject all mid-size or large order applications to meet-and-confer requirements, not once, but twice, with the pole owner(s), existing licensees, and all relevant government authorities within certain prescribed timeframes—a requirement unprecedented in any of the other 49 states or under the FCC's rules.²⁵ While an initial meet-and-confer between the applicant and pole owners is part of the FCC's rules for large orders (with order size defined based on a 30-day window), the Departments' proposed expansion of this meet-and-confer obligation to *all* mid-sized orders and the broadly expanded range of participants at that meeting introduces logistical, competitive, and legal problems.²⁶

Multiple commenters recognize that including new parties beyond the applicant and pole owner in the meet-and-confer raises serious logistical concerns.²⁷ A mid-sized project spanning

²⁵ Order, Att. B at 13-14, 220 CMR 45.07(2); *id.* at 25, 220 CMR 45.08(5)(c).

²⁶ NECTA Comments at 15-18.

²⁷ Zayo Comments at 3; CITA Comments at 4; Gateway Fiber Comments at 3; Comments of Verizon New England, Inc., Docket Nos. D.P.U. 26-10 and D.T.C. 26-1, at 7 (filed May 12, 2026) (“Verizon Comments”).

multiple municipalities would require coordinating a meeting among the new attacher, pole owner(s), all existing licensees (if they can even be identified by the applicant), and every relevant government authority²⁸ in every affected municipality—within 30 days. The rules provide no guidance on what happens when parties fail to respond. Zayo notes that “in practice, [new attachers] 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.”²⁹ The Proposed Rules contain “no meaningful limitations on the scope or duration” of these meetings, meaning “[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.”³⁰ The proposed requirement would open the door to avoidable delays due to both coordination difficulties and disagreements among the participants *before an application is even submitted*. CTIA also recognizes the coordination challenges this proposed rule presents. In response, CTIA recommends a “good faith effort” standard to prevent the requirement from “becoming a potential avenue for delay,”³¹ but NECTA is concerned that any marginal adjustment would fail to address the fundamental problems, including competitive concerns.

²⁸ Indeed, having to determine which government authorities are covered under this vague requirement will be problematic, requiring at least interpretation of each municipality’s by-laws to determine which officials could be deemed “relevant.”

²⁹ Zayo Comments at 3.

³⁰ Zayo Comments at 3.

³¹ CTIA Comments at 5.

The EDCs argue that advance notice and the meet-and-confers are necessary for workforce planning.³² But this objective is fully addressed by a framework like the FCC's. The FCC's rules, while requiring meet-and-confers, do so only for large-sized orders and limit those meetings to the new attacher and the pole owner. This makes sense as the pole owner performs or oversees make-ready work, manages the contractor list, and coordinates pole access. There is no demonstrated need for two additional separate meetings with existing licensees and potentially multiple departments within local governments. Critically, as explained above, and as the ACLP's comparison chart confirms,³³ Massachusetts would be the only state requiring that existing licensees and government authorities participate in the meet-and-confer. The EDCs have not offered any explanation why Massachusetts requires additional coordination and notification to a broader set of parties than any other jurisdiction, many of which the EDCs operate in, and beyond what the FCC requires.

Further, the record supports NECTA's initial comments detailing the competitive harms of requiring disclosure of deployment plans to existing attachers—who are often direct competitors—and no commenter expressed support for including existing licensees.³⁴ Gateway Fiber also takes issue with the meet-and-confer requirements, recognizing that the inclusion of existing licensees—to the extent the new attacher can even identify them—expresses particular concern that “advance information on a planned facility build in a municipality could be misused for competitive purposes.”³⁵ A competitor could “jump ahead in line” or “seek to lock up

³² EDC Comments at 5, 14.

³³ ACLP Comments at 7 (comparison chart).

³⁴ NECTA Comments at 17-18.

³⁵ Gateway Fiber Comments at 2-3.

potential consumers on long-term contract terms.”³⁶ GoNetspeed likewise highlights the competitive concerns, noting that deployment information “could be misused for competitive intelligence or marketing purposes by entities that compete directly with the requesting attacher.”³⁷

NECTA does not object to an initial meet-and-confer requirement with pole owners for projects that are large orders, consistent with FCC rules, but the Departments have not identified any Massachusetts-specific condition justifying the broader requirements or any offsetting benefit.

B. The Record Overwhelmingly Supports Eliminating the Second Meet-and-Confer at the Make-Ready Stage.

While the initial meet-and-confer requirement should be narrowed, the proposed second meet-and-confer at the make-ready stage is altogether unnecessary, adding 30–60 days at a critical juncture—after the survey is complete, the make-ready estimate is paid, and permits are obtained. In addition to raising the same logistical and competitive concerns as the first meet-and-confer, a mandatory meeting right before make-ready serves no purpose beyond what the make-ready notice already accomplishes. Verizon—both a major pole owner and attacher—also supports deleting this requirement because it “introduce[s] added delay into the process with little or no benefit.”³⁸

While both meet-and-confers present the opportunity for delay, the lack of necessity of the second meet-and-confer is especially problematic, given that it would impose a mandatory pause on the process immediately before any necessary make-ready work can begin. The Town

³⁶ *Id.* at 3.

³⁷ GoNetspeed Comments at 30-31.

³⁸ Verizon Comments at 7.

of Nantucket suggests extending the meet-and-confer requirements to all order sizes and beyond the communications space,³⁹ but offers no justification for this expansion that would only exacerbate the problems identified above and create significant additional delays. The weight of the record demonstrates that the Departments should limit pre-application meet-and-confer requirements to large or very large orders, with participation limited to only the new attacher and pole owner, consistent with the FCC framework. This approach would align the Proposed Rules with the Departments' broadband deployment goals.

IV. THE TIMELINE DEVIATIONS PERMITTED UNDER SECTION 45.10 OF THE PROPOSED RULES ARE TOO BROAD AND SHOULD BE NARROWED TO ADDRESS ONLY MATTERS TRULY OUTSIDE OF THE PARTIES' CONTROL

The record supports NECTA's position that the proposed timeline deviations must be narrowed. One commenter shared NECTA's concern that the deviation provisions in proposed 220 CMR 45.10 risk making the Departments' proposed timelines aspirational rather than enforceable.⁴⁰ Another commenter emphasized the need for the Departments to ensure timelines are meaningful and enforceable.⁴¹ As NECTA explained, the permitted deviations lack objective criteria, definitive scope, and enforceable constraints. Accordingly, NECTA proposed changes scaling back these deviations to only those circumstances truly beyond all parties' control.⁴² The Departments should adopt these revisions and reject requests to expand the exceptions even further.

³⁹ Comments of the Town of Nantucket, Docket Nos. D.P.U. 26-10 and D.T.C. 26-1, at 6 (filed May 12, 2026) ("Nantucket Comments").

⁴⁰ Zayo Comments at 4.

⁴¹ CTIA Comments at 3-4.

⁴² NECTA Comments at 30-32.

Zayo echoed these concerns, explaining that the deviation provisions in the Proposed Rules “are so expansive that the timelines cease to function as meaningful deadlines.”⁴³ This is because “[n]early every significant deployment project will involve some combination of permitting coordination, municipal scheduling constraints, weather impacts, contractor limitations, or operational conflicts.”⁴⁴ If the categories of permissible deviations are broad enough to cover routine project circumstances, then the deadlines are not deadlines at all—they are at best merely targets that utilities may exceed at their convenience.

CTIA emphasized that “[t]imelines need to be meaningful and enforceable in practice” and urged the Departments to “continue to monitor utility timelines following the adoption of the Proposed Rules to ensure that there is no pattern of delay.”⁴⁵ While CTIA did not propose changes to proposed 220 CMR 45.10 explicitly, the changes NECTA offered are entirely consistent with CTIA’s concerns. CTIA also recommended that the Departments consider a “deemed granted” remedy for applications not acted upon within the mandated timelines.⁴⁶ NECTA agrees this suggestion is a critical enforcement mechanism that the Proposed Rules lack.

Ultimately, the major pole owners seek to expand the circumstances under which a utility may extend timelines under the Proposed Rules. The Departments should reject these proposals. Specifically, the EDCs’ request that categories constituting “good cause” for deviating from the timelines be expanded to include actions by licensees, weather conditions that inhibit surveys, and “actions by third parties which are beyond the control of the EDC.”⁴⁷ These added

⁴³ Zayo Comments at 4.

⁴⁴ *Id.*

⁴⁵ CTIA Comments at 4.

⁴⁶ *Id.*

⁴⁷ EDC Comments at 20.

provisions are excessive and unnecessary because they would allow a utility to claim a deviation based on the actions of *any* third party, regardless of foreseeability, , effectively creating an open-ended exception applicable to innumerable circumstances. NECTA recognizes that genuinely extraordinary events may prevent timely completion of make-ready work, but any deviation framework must be limited to truly unforeseeable and incapacitating circumstances, not routine operational challenges that are inherent in every deployment project.

Verizon asks the Departments to allow extensions of deadlines when “an existing attacher or joint pole owner has not completed their make-ready.”⁴⁸ This exception is particularly problematic because unlike the EDC proposals, which would at least require action by a third party that is not the EDC itself, under this exception a pole owner or existing attacher could invoke the extension to excuse its own delays, since it may itself be both an existing attacher and a joint pole owner. Moreover, delay by an existing communications attacher is already remedied by a new attacher’s self-help rights under proposed 220 CMR 45.08(6).

Adopting either the EDCs’ or Verizon’s proposals would expand the already overbroad deviation provisions even further, exacerbating the concerns expressed by NECTA, Zayo and CTIA that the Proposed Rules’ timelines will be rendered aspirational rather than enforceable. NECTA continues to urge the Departments to adopt a limited deviation framework that includes a focused list of narrowly-defined permissible deviations, requires the utility to bear the burden of demonstrating that a deviation is justified, imposes a cap on the duration of any deviation, and provides the new attacher with a meaningful remedy—such as self-help or an expedited complaint process—when a deviation is invoked.

⁴⁸ Verizon Comments at 8; *id.* at Att. B at 38.

V. THE RECORD SUPPORTS THE NEED FOR REVISION OF THE PROPOSED RULES GOVERNING DISPUTE RESOLUTION

The Proposed Rules lack an effective backstop to enforce their timelines, deviation provisions, and procedural requirements. Without a rapid and enforceable mechanism for resolving disputes, utilities face no meaningful consequence for missing deadlines or invoking overbroad deviations, and attachers have no practical recourse other than to wait—or to accept unreasonable terms. The record demonstrates near-universal support for an expedited dispute resolution mechanism and confirms that the Proposed Rules’ formal complaint process is inadequate. Even commenters not generally aligned with NECTA’s other recommendations agree that the Departments must significantly revise the Proposed Rules’ dispute resolution provisions.

A. The Record Demonstrates Widespread Support for an Expedited Dispute Resolution Mechanism.

Like NECTA,⁴⁹ several commenters identified models for rapid dispute resolution that have proven successful and which present frameworks that the Departments could adopt. For example, CTIA pointed to specific rapid dispute resolution models from the FCC, Maine, and Connecticut, and urged the Departments to adopt a similar approach.⁵⁰ GoNetspeed urged adoption of “an expedited process for resolving access disputes—such as the 7 business day process that applies in Maine,” or alternatively “a 60-day accelerated review process, with a maximum resolution timeframe of 180 days” to bring Massachusetts in line with the FCC’s RBAT process and other states such as Ohio, Pennsylvania, and West Virginia.⁵¹ Zayo

⁴⁹ NECTA Comments at 37-40.

⁵⁰ CTIA Comments at 5.

⁵¹ GoNetspeed Comments at 35.

confirmed that “formal complaint procedures that may take 180 to 360 days are not commercially workable” and urged for “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.”⁵²

The ACLP analyzed the formal complaint process set forth in the Proposed Rules against those adopted by the FCC and other states.⁵³ This analysis pointed out that the proposed 180-day to 360-day timeline in the Proposed Rules for resolution of complaints would make Massachusetts a significant outlier. Specifically, the ACLP found:

- Connecticut and Maine can resolve certain disputes in as few as seven days,
- Vermont has a dispute resolution process that allows for resolution in 30 days,
- New York provides a 90-day shot clock for resolution of disputes, and
- the FCC’s RBAT has resolved disputes in as little as 60 days.⁵⁴

The ACLP further observed that “if the FCC, which is a significant bureaucracy many times the size of the Departments, can implement streamlined dispute resolution, and when peer states like Connecticut and Maine have gone even further to hasten these processes, then it is incumbent upon the Departments to either do the same or explain why it has chosen not to adopt efficient, road-tested best practices.”⁵⁵

⁵² Zayo Comments at 5.

⁵³ ACLP Comments at 7-8 (providing a table setting forth “a high-level summary” of differences between the Proposed Rules, the FCC rules, and “other reverse-preemption states in the region (*i.e.*, Connecticut, Maine, New Hampshire, New York, and Vermont)”).

⁵⁴ *Id.* at 10.

⁵⁵ *Id.* In addition, ACLP compares the time frames for resolution of complaints under the Proposed Rules to those in several other jurisdictions. *Id.* at 8. Even New York’s 90-day shot clock—longer than the time frames advocated by NECTA and other commenters—allows for

NECTA reiterates its recommendation that the Departments adopt an RBAT-like framework and process, mindful of the need to adapt some FCC rules to account for the dual-agency structure in Massachusetts.⁵⁶ NECTA would also support adoption of an approach similar to the Maine Rapid Response Process Team (“RRPT”) model.⁵⁷ Either approach is consistent with the record’s demonstrated need for a rapid dispute resolution process in Massachusetts.

NECTA also reiterates its concern that the complaint-to-rulemaking conversion mechanism in proposed 220 CMR 45.15(4) poses a significant risk of delay.⁵⁸ No commenter supported this provision, and others share NECTA’s concern.⁵⁹ Moreover, no other state that has adopted comprehensive pole attachment rules, nor the FCC, includes a comparable mechanism.

resolution in one-half to as little as one-quarter the amount of time contemplated in the Departments’ Proposed Rules.

⁵⁶ NECTA Comments at 36-37; *see also* 47 C.F.R. § 1.1415.

⁵⁷ NECTA Comments at 37; *see also* Maine Public Utilities Commission, *Investigation into Practices and Acts Regarding Access to Utility Poles*, Docket No. 2010-00371, Order, Attachment A (July 12, 2011) (summarizing the expedited pole attachment complaint process); *Expedited Pole Attachment Complaint Process*, MAINE PUBLIC UTILITIES COMMISSION, <https://www.maine.gov/mpuc/regulated-utilities/telecom/programs/pole-attachment/complaint-process> (last visited May 12, 2026) (“*RRPT Summary*”); *see also* *Rapid Response Process*, MAINE PUBLIC UTILITIES COMMISSION, <https://www.maine.gov/mpuc/regulated-utilities/telecom/approved-companies/rapid-response> (last visited May 12, 2026) (“*RRPT Process*”).

⁵⁸ NECTA Comments at 40-42.

⁵⁹ ACLP Comments at 10 (“The Departments have detailed a formal dispute resolution process that could take up to a year *or longer if the Department wishes to elevate a dispute to a formal rulemaking* if the issue might be precedential value.”) (emphasis added); GoNetspeed Comments at 36-37 (stating that “rulemakings are not subject to statutory resolution timelines and can take years to complete” and noting that the provision is problematic because complaint proceedings are designed to resolve “specific disputes and provide relief for past wrongs within defined timelines, ensuring that deployment is not stalled while broader policy questions are debated, and pole owners’ unlawful past practices are remedied” while rulemaking cannot “anticipate every circumstance in which a pole owner’s actions may impede broadband deployment”).

Because these regulations are new and untested, the broad language authorization to convert complaints whenever they raise “policy considerations of general applicability which are not presently addressed by these regulations” could be invoked in nearly every case, effectively diverting time-sensitive disputes into open-ended rulemaking proceedings. The Departments should abandon proposed 220 CMR 45.15(4).

B. Pole Owners Also Support Timely Dispute Resolution and No Commenter Defends the Adequacy of the Departments’ Proposed Formal Complaint Timeline.

While they do not propose adoption of an FCC RBAT- or Maine RRPT-like model for expedited dispute resolution, the EDCs do support alternative dispute resolution (“ADR”) and propose an expedited process based on the distributed generation (“DG”) ADR model, which involves staff mediators and short timelines.⁶⁰ While constructive, the EDCs’ proposed DG ADR model is non-binding and still allows for a significantly longer process than the processes established in Maine and at the FCC, limiting its utility.⁶¹ NECTA urges the Departments to build on the EDCs’ constructive engagement by adopting a process that is binding and more expeditious, drawing from the Maine RRPT model or the FCC’s RBAT framework.

One other commenter shared the EDCs’ endorsement of establishing non-binding ADR mechanisms prior to filing of formal complaints,⁶² but no commenter explicitly endorsed the proposed formal complaint process set forth in the Proposed Rules. The support for ADR aligns

⁶⁰ EDC Comments at 23.

⁶¹ Maine RRPT staff-level decisions are also technically non-binding, but they can be appealed to the full Maine Public Utilities Commission, thus providing an enforceable remedy. *See RRPT Process* at “Step 9.”

⁶² Comments of OpenCape Corporation, Docket Nos. D.P.U. 26-10 and D.T.C. 26-1, at 2 (filed May 12, 2026) (stating that they “encourage the Department to adopt optional, non-binding alternative dispute resolution (ADR) mechanisms prior to formal complaints”) (“OpenCape Comments”).

with NECTA’s recommendation that the Departments establish an expedited staff-mediated process in the rules themselves—not merely in a future MOA—with notice, short written submissions, expedited meetings with staff, a written determination within a short, fixed period, and an expedited appeal process.⁶³

The universal support for rapid dispute resolution—from attachers, utilities, academics, and industry associations alike—confirms that the Departments should adopt a binding, expedited ADR process in the final rules, not defer to a future MOA that may not materialize. The Departments’ recognition of the importance of ADR is commendable; what is needed now is concrete action to establish the process within the regulatory framework.

VI. ADDITIONAL ISSUES

In addition to the overarching concerns addressed above, NECTA identified several additional issues with specific provisions of the Proposed Rules.⁶⁴ The record supports NECTA’s positions on each of these issues, or at a minimum demonstrates no opposition. NECTA briefly addresses each of these issues below.

A. One-Touch Make-Ready Should Be Extended to Large Orders, Consistent with FCC Rules.

One commenter shared NECTA’s concern that the Proposed Rules limit one-touch make ready (“OTMR”) eligibility to small, regular, and mid-sized orders, excluding large orders entirely.⁶⁵ As NECTA explained in its initial comments, order size is irrelevant to whether make-ready work can safely and efficiently be completed through OTMR.⁶⁶ The FCC and all

⁶³ NECTA Comments at 35-39.

⁶⁴ *Id.* at 44-51.

⁶⁵ GoNetspeed Comments at 14-17.

⁶⁶ NECTA Comments at 46.

neighboring states allow OTMR for all order sizes, and no commenter has identified any safety or operational reason why OTMR would be less effective for large orders. The ACLP confirmed that restricting OTMR to mid-sized and smaller orders would make Massachusetts an outlier, as OTMR is available for large orders in Connecticut, Maine, New Hampshire, New York, and Vermont.⁶⁷ With respect to one of these states, GoNetspeed reported that approximately 90% of its 50,000 poles in Maine were OTMR-eligible, demonstrating that OTMR works effectively at scale.⁶⁸ This real-world data from a neighboring state directly rebuts any suggestion that OTMR is impractical for large orders.

The EDCs argue that small orders should be limited to 10 poles or fewer to “promote OTMR,”⁶⁹ and the Municipal Electric Association of Massachusetts (“MEAM”), opposes OTMR entirely.⁷⁰ These arguments should be rejected as fundamentally at odds with the Departments’ stated goal of expanding OTMR opportunities,⁷¹ and with national trends. Adopting the EDC’s recommendation would make OTMR available only for the smallest projects. The Departments should instead expand OTMR to large orders, consistent with its stated goals and the FCC rules.

B. The Record Supports a Single Application Process for Jointly Owned Poles.

The record supports prohibiting joint pole owners from requiring separate applications. Submitting separate applications for a single pole to both joint owners results in duplicative submissions, surveys, and billing processes, plus requires a survey reconciliation process to take

⁶⁷ ACLP Comments at 7.

⁶⁸ GoNetspeed Comments at 16.

⁶⁹ EDC Comments at 13.

⁷⁰ Comments of Municipal Electric Association of Massachusetts, Docket Nos. D.P.U. 26-10 and D.T.C. 26-1, at 1 (filed May 12, 2026) (“MEAM Comments”).

⁷¹ Order at 49 (“With our proposed regulations, the Departments seek to facilitate greater opportunity for the use of OTMR in Massachusetts.”).

place between the joint owners that adds significant delays. Other commenters joined NECTA in supporting a streamlined single-application approach. GoNetspeed supported designating a single pole administrator to coordinate the attachment process and noted Connecticut uses a “pole administrator as a ‘traffic cop’” to manage pole issues.⁷² ExteNet recommended that the joint owners should adopt “a single, uniform application or submission process” to “reduce administrative duplication, shorten the time to survey and make-ready, clarify contractor selection for OTMR and reduce conflicts over which owner leads in the process.”⁷³ Even the EDCs stated they “will work with Verizon to explore a single application process.”⁷⁴

The Massachusetts Municipal Association (“MMA”) also recommended designating a “Primary Responsible Owner for every pole,”⁷⁵ which could serve as the single point of coordination for both double pole removal and for streamlining new licensee applications via a single application.

The Departments wisely sought comment on the feasibility of utilities streamlining their application processes to establish a single application process for joint pole owners, and in response commenters have broadly supported the concept, with no opposition. The Departments should move forward with a mandatory single-application requirement.

⁷² GoNetspeed Comments at 23.

⁷³ ExteNet Comments at 3-4.

⁷⁴ EDC Comments at 17.

⁷⁵ Comments of the Massachusetts Municipal Association, Docket Nos. D.P.U. 26-10 and 26-1, at 2 (filed May 12, 2026) (“MMA Comments”). While the MMA advanced this concept in the context of addressing removal of double poles specifically, and not the application process, the concept could easily be applied in both settings.

C. The Departments Should Adopt a Self-Help Provision for Make-Ready Estimates.

As NECTA noted in its comments, the Proposed Rules do not provide a self-help remedy for make-ready cost estimates, a significant gap in the proposed self-help protections.⁷⁶ Under the FCC's rules if a utility fails to meet the estimate deadline, the new attacher may prepare its own estimate using an approved contractor.⁷⁷ GoNetspeed also supported allowing approved contractors to “perform self-help surveys, estimates, and make-ready work on the utility's poles” if a utility fails to respond within 30 days of a request.⁷⁸ NECTA again encourages adoption of such a provision, as the absence of a self-help remedy for estimates could delay the attachment process indefinitely by allowing a pole owner to simply fail to provide the estimate—a step that is a prerequisite to the applicant's payment and the commencement of the make-ready timeline.

D. Municipal Permitting Should Not Be the Make-Ready Timeline Trigger.

Commenters shared NECTA's concern that the Proposed Rules tie the start of the make-ready timeline to municipal permitting—an entirely open-ended variable that is outside the control of any party to the attachment application. As one commenter noted, “timelines [that] do not even begin to run until all governmental approvals are obtained” mean that “attachers face the prospect of indefinite delay before timelines commence[.]”⁷⁹

Another commenter stated that delaying make-ready timelines until after all local approvals are obtained “would effectively dismantle the entire framework and introduce the risk of indefinite delay.”⁸⁰ The FCC and other states allow local government approval processes to

⁷⁶ NECTA Comments at 45-46.

⁷⁷ 47 C.F.R. § 1.1411(j)(2).

⁷⁸ GoNetspeed Comments, App'x at 45 (Proposed Rule 45.11(3)(c)).

⁷⁹ Zayo Comments at 4.

⁸⁰ GoNetspeed Comments at 12.

run concurrently with make-ready timelines.⁸¹ The Departments should revise the Proposed Rules so make-ready timelines begin upon payment of the make-ready estimate, not upon receipt of government authority approvals.⁸² Government permitting requirements vary widely across Massachusetts, and the Departments cannot compel a local government to change their permitting sequences or timelines. The practical effect is that government permitting becomes an unnecessary and indefinite block in the application timeline, potentially creating a circular permitting trap that the Proposed Rules provide no mechanism to resolve.

E. The Departments Should Abandon or Revise the Application Voiding Provisions in the Proposed Rules.

NECTA expressed concerns about several provisions in the Proposed Rules allowing for applications to be voided, including for failure to pay the survey estimate within 30 days and failure to pay the make-ready estimate within 60 days.⁸³ GoNetspeed similarly catalogued 11 separate provisions in the Proposed Rules that would require an attacher to restart the entire application process if a deadline is missed.⁸⁴ These provisions are disproportionately harsh on a new attacher and could penalize applicants engaged in good-faith disputes over estimate accuracy. In this monopoly environment, attachers should not be required to simply accept make-ready estimates without question. NECTA thanks the Departments for their astute proposal to require pole owners to provide detailed, itemized make-ready estimates to help minimize disputes over these estimates and make-ready costs in general and ultimately speed up deployment. But NECTA reiterates its recommendation that the Departments at minimum

⁸¹ See 47 C.F.R. § 1.1411(f)-(g); *see also, e.g.*, Vt. Admin Code 18-1-8:3.708; N.H. Code Admin. R. En §1303.12.

⁸² NECTA Comments at 23-25.

⁸³ NECTA Comments at 22, 47-48.

⁸⁴ GoNetspeed Comments, Exhibit 5.

include a cure period and a rapid dispute resolution mechanism before any application may be voided for non-payment.

Unfortunately, Verizon and the EDCs propose making these conditions even harsher. Verizon seeks to shorten the make-ready estimate payment period from 60 to 30 days.⁸⁵ The EDCs go further, arguing that they should be allowed to treat make-ready estimates as rejected if the attacher disputes the amount—even if the attacher agrees to pay pending resolution of the dispute.⁸⁶ These proposals combined with the voiding provisions are commercially unreasonable, anti-competitive, and arguably contrary to the terms of many pole attachment agreements. The Departments should reject these proposals, as accepting them would further tip the scales in favor of these monopoly utilities. Instead, the Departments should require transparency and permit discussion of costs, and include a cure period and a rapid dispute resolution mechanism before any application may be voided for non-payment.

F. IBEW’s Labor Concerns Are Not in Tension with NECTA’s Proposals.

IBEW’s comments focus on defining qualified contractors, protecting bargaining-unit work, and ensuring safety through training requirements.⁸⁷ These are legitimate workforce objectives. NECTA takes no position on specific workforce standards and respects the role of represented workers.

None of IBEW’s proposals conflict with NECTA’s positions on timelines or meet-and-confer. Whether a contractor must meet OSHA, NESC, and prevailing-wage requirements does not depend on how long the deployment process takes. OTMR does not displace union work—it

⁸⁵ Verizon Comments at 6.

⁸⁶ EDC Comments at 15-16.

⁸⁷ Comments of the International Brotherhood of Electrical Workers Second District, Docket Nos. D.P.U. 26-10 and D.T.C. 26-1, at 1 (filed May 11, 2026).

establishes a process for qualified contractors (including union-represented ones) to perform simple make-ready efficiently. The question of who performs work under what labor standards is analytically distinct from how quickly the regulatory process moves.

The Departments can adopt NECTA’s timeline reforms while separately addressing IBEW’s workforce concerns. These issues are complementary: faster timelines will increase the volume of pole attachment work for all qualified contractors, including union-represented workers.

G. Comments About Double Poles and Other Municipal Interests Do Not Conflict with NECTA’s Positions.

Municipal commenters primarily focus on double pole removal timelines and enforcement—concerns NECTA shares. The MMA supports streamlined pole attachment procedures but focuses on “timely and complete removal of decommissioned ‘double poles.’”⁸⁸ Its “Primary Responsible Owner” recommendation in this context is consistent with NECTA’s broader recommendations for reducing process complexity.⁸⁹

Cape Light Compact focuses on streetlight classification, double pole reporting, and NJUNS participation—not timeline or meet-and-confer issues.⁹⁰ The Town of Brookline focuses on municipal notice, right-of-way control, and restoration standards.⁹¹ NECTA has consistently stated its timeline recommendations pertain to the pole attachment regulatory process between attacher and pole owner; municipal permitting operates independently and concurrently.

⁸⁸ MMA Comments at 1.

⁸⁹ *Id.* at 2; *see generally* NECTA Comments at 5-30 (offering numerous reforms all aimed at streamlining the Departments’ proposed rules).

⁹⁰ Comments of the Cape Light Compact JPE, Docket Nos. D.P.U. 26-10 and D.T.C. 26-1, at 3-4 (filed May 12, 2026).

⁹¹ Comments of the Town of Brookline, MA, Docket Nos. D.P.U. 26-10 and D.T.C. 26-1, at 1-3 (filed May 12, 2026).

OpenCape supports the Proposed Rules’ scaled categories, OTMR, and self-help remedies while requesting targeted enhancements, including optional (not mandatory) meet-and-confer for BEAD projects—consistent with NECTA’s position.⁹² Representative Lewis’s comments on double pole removal and working groups⁹³ align with NECTA’s proposal for a pole working group modeled on Connecticut and New Hampshire approaches.⁹⁴ Individual commenter Seth G. Parker raised concerns about double pole removal pace that NECTA shares and has addressed through its single visit transfer program proposal.⁹⁵

Taken together, these comments reflect a consistent focus on municipal concerns that do not conflict with, and in many cases align with, NECTA’s proposals to streamline the attachment process.

VII. CONCLUSION

For the foregoing reasons, the Departments should revise the Proposed Rules to adopt a simpler, more predictable, and more enforceable pole attachment framework that advances broadband deployment while preserving safety and reliability. The record confirms that the current proposal would impose unreasonable delay, unnecessary complexity, overbroad meet-and-confer obligations, and deviation provisions that risk rendering timelines unenforceable, while also providing an inadequate dispute resolution backstop.

⁹² OpenCape Comments at 1-2.

⁹³ Comments of Rep. Jack Patrick Lewis, Docket Nos. D.P.U. 26-10 and D.T.C. 26-1, at 2-3 (filed April 2, 2026).

⁹⁴ NECTA Comments at 53.

⁹⁵ ⁹⁵ Comments of Seth G. Parker, Docket Nos. D.P.U. 26-10 and D.T.C. 26-1, at 1 (filed March 31, 2026); NECTA Comments at 51-53 (urging the Departments to adopt a single visit transfer process).

NECTA therefore respectfully urges the Departments to adopt the targeted revisions described in its initial comments and proposed redline, including streamlined timelines and procedures, narrowing of the first meet-and-confer, elimination of the second meet-and-confer, meaningful limits on deviations, an expedited and binding rapid dispute resolution mechanism, and the additional reforms necessary to align Massachusetts with proven FCC and neighboring-state frameworks. Doing so will better serve the Commonwealth's broadband goals by reducing avoidable delay, improving regulatory certainty for all parties, and establishing a practical process that can be administered efficiently in real-world deployment conditions.

Respectfully Submitted,

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