

## EXECUTIVE SUMMARY OF COMMENTS OF THE NEW ENGLAND CONNECTIVITY AND TELECOMMUNICATIONS ASSOCIATION

The New England Connectivity and Telecommunications Association (“NECTA”) shares the Administration’s goals of facilitating broadband deployment and infrastructure modernization. Current Massachusetts pole rules have no timelines for pole access, unlike all other certified states in New England and FCC-regulated states. Without rules imposing realistic but expeditious timelines, funded broadband deployment projects are in jeopardy.

Unfortunately, the Proposed Rules would make Massachusetts a significant outlier relative to neighboring states in the following critical ways:

- 1. Deployment Timelines are Excessive and Unnecessarily Complex.** The Proposed Rules would establish complex and excessively long deployment timelines.
  - Every “mid-sized” project (which would be as few as 301 unrelated poles within a 60-day period) would not begin deploying for at least **245 days** (for simple make-ready) and **305 days** (for complex make-ready)—*not including any local permitting*. “Large” projects would take at least **404 days** (for simple make-ready), *plus local permitting* before attachment could begin.
  - In contrast, many surrounding state frameworks move projects from application to completion within significantly shorter periods—mid-sized projects in as little as **178 days**—including all local permitting.
- 2. Long and Burdensome Pre-Application and Meet-and-Confer Requirements.** The Proposed Rules require 45 to 90 days of pre-application advance notice for mid-size and large applications plus meet-and-confers with not only pole owners but also existing attachers (*i.e.*, competitors), and multiple government authorities.
  - Adds needless complexity to the pre-application stage of a project.
  - Raises serious competitive concerns with other attachers, and questions about involvement of local authorities and processes.
  - Adds duplicative, unnecessary second meet-and-confer at the make-ready stage.
- 3. Overbroad Deviation Provisions That Could Render Deadlines Meaningless.** The Proposed Rules allow pole owners “deviations” from timelines with no cap on extensions.
- 4. A New Pole Attachment Agreement Requirement That Exists in No Other Jurisdiction.** The Proposed Rules require execution of a new or amended pole attachment agreement for each set of attachments before make-ready can begin—a requirement no other state imposes. This introduces substantial delays.
- 5. Complaint Process Does Not Support Enforcement of Deadlines.**
  - Attachers need expedited dispute resolution to protect broadband deployment.
  - Proposed Rules allow complaints to be converted into rulemakings, provide for 360-day resolution timelines, and transform bilateral disputes into quasi-public proceedings.
  - This will cause delays and is out of step with other regulators introducing rapid dispute resolution processes.