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COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF PUBLIC UTILITIES

DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

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

D.P.U. 25-10/D.T.C. 25-1

PUBLIC HEARING, held via Zoom video conference, on Wednesday, May 27, 2026, commencing at 2:00 p.m., concerning

RULEMAKING

SITTING: Jeremy McDiarmid, D.P.U. Chair
Staci Rubin, D.P.U. Commissioner
Elizabeth Anderson, D.P.U. Commissioner
Karen Charles, D.T.C. Commissioner
Kerri DeYoung Phillips, Hearing Officer
Scott Seigal, Hearing Officer
William Bendetson, Hearing Officer
Kevin Roberts, Hearing Officer
Jacob Levine, D.T.C.
Marvin Destrade, D.P.U.
Mauricio Diaz, D.P.U.

-----Reporter: Alan H. Brock, RDR, CRR-----
Farmer Arsenault Brock LLC
Boston, Massachusetts

<p style="text-align: right;">Page 2</p> <p>1 May 27, 2026 2:00 p.m. 2 P R O C E E D I N G S 3 MS. PHILLIPS: Let's go on the record. 4 Good afternoon. This is a virtual public hearing 5 being conducted today jointly today by the 6 Department of Public Utilities and the Department of 7 Telecommunications and Cable. 8 As a public hearing, we are here today 9 to receive comments from interested stakeholders and 10 members of the public on proposed revisions to our 11 agencies' shared regulations, Title 220 of the Code 12 of Massachusetts Regulations, Section 45, and which 13 is currently titled Pole Attachment, Duct, Conduit 14 and Right-of-Way Complaint and Enforcement 15 Procedures. The D.P.U. docketed this rulemaking as 16 D.P.U. 26-10, and the D.T.C. docketed this 17 rulemaking as D.T.C. 26-1. 18 Additionally, we will accept comments 19 today on a draft amended and restated memorandum of 20 agreement, also identified as an MOA, between the 21 agencies and alternative dispute resolution 22 processes for consideration as part of our agencies' 23 pending inquiry proceeding on a broader array of 24 pole attachment and conduit access matters, docketed</p>	<p style="text-align: right;">Page 4</p> <p>1 manager of legal administration, and Kaylee Burgess, 2 a paralegal specialist, both of whom are from the 3 D.P.U.'s Legal Division. 4 Shirley and Kaylee are today's virtual 5 hearing monitors. The hearing monitors enable and 6 facilitate the online and audio portions of this 7 hearing and provide access to hearing participants, 8 such as those joining today from the D.P.U. and the 9 D.T.C., as well as any government officials, other 10 interested stakeholders, and members of the public 11 who wish to provide comments or make statements 12 today. As will be discussed in greater detail 13 shortly, public viewers wishing to provide comments 14 today will have the opportunity to do so. At the 15 appropriate time, Shirley and Kaylee will elevate 16 individuals from the audience one at a time to 17 provide their comments. 18 As background, on March 6th, 2026, the 19 D.P.U. and the D.T.C. jointly opened a rulemaking 20 seeking comment on proposed revisions to our 21 shareholder regulations, 220 CMR 45. The 22 Departments' proposed amendments would constitute 23 the most substantive revision to these regulations 24 in more than 40 years, which at this time consists</p>
<p style="text-align: right;">Page 3</p> <p>1 as D.P.U. 25-10 and D.T.C. 25-1. The agencies 2 originally entered into the MOA in 2008 to 3 facilitate our shareholder jurisdiction over utility 4 pole and conduit access, double poles, and related 5 enforcement matters. 6 My name is Kerri DeYoung Phillips, and I 7 am a senior attorney at the Department of Public 8 Utilities, joined today on the virtual bench by my 9 colleagues DPU attorney Scott Seigal and Department 10 of Telecommunications and Cable attorneys William 11 Bendetson and Kevin Roberts. Together the four of 12 us have been assigned as the co-hearing officers for 13 these proceedings by our respective agencies. 14 Joining us today is the D.P.U.'s full 15 Commission: Chair Jeremy McDiarmid, Commissioner 16 Staci Rubin, and Commissioner Elizabeth Anderson, as 17 well as the D.T.C.'s Commissioner, Karen Charles. 18 Also joining us today is Jacob Levine, a 19 market policy economist from the D.T.C.'s 20 Competition Division; Marvin Destrade, a public 21 utilities engineer with the D.P.U.'s Clean Energy 22 and Resilience Engineering Division; Mauricio Diaz, 23 an economist with the Department's Rates and Revenue 24 Requirements Division, and Shirley Barosy, the</p>	<p style="text-align: right;">Page 5</p> <p>1 primarily of the agencies' procedural rules 2 applicable to resolving complaints by both 3 telecommunications and cable television providers 4 seeking access to utility poles, conduit, and ducts 5 on public rights-of-way in the Commonwealth of 6 Massachusetts. 7 In implementing and enforcing these 8 regulations, Federal and State law requires the 9 Departments to consider both the interests of 10 telecommunications and cable television service 11 subscribers and of utility service customers. 12 At today's public hearing, the 13 Departments will receive comments on our proposed 14 revisions to 220 CMR 45. The purpose is to provide 15 an equal opportunity for all individuals to be heard 16 and to make their views known on the proposed 17 regulations and to assist the two agencies in our 18 final decisionmaking process. 19 As proposed, the revisions to 220 CMR 45 20 would: implement comprehensive statewide terms and 21 conditions for telecommunications, advanced 22 telecommunications, broadband, and cable television 23 providers to apply for and access utility poles on 24 public rights-of-way throughout the Commonwealth.</p>

<p style="text-align: right;">Page 6</p> <p>1 It would also establish additional 2 requirements and obligations for all utility pole 3 owners, including municipal lighting plants, the 4 Commonwealth's investor-owned electric distribution 5 companies -- NSTAR Electric Company doing business 6 as Eversource Energy, Massachusetts Electric Company 7 and Nantucket Electric both doing business as 8 National Grid; and Fitchburg Gas and Electric Light 9 Company doing business as Unitil. It would also 10 establish requirements and obligations for utility 11 pole owners such as telephone companies, including 12 Verizon New England doing business as Verizon 13 Massachusetts. 14 The proposed revisions would also 15 establish express requirements and obligations for 16 all utility pole attachers, including existing 17 attachment licensees, such as municipalities and 18 other municipal entities, municipal lighting plants, 19 and all telecommunications, advanced 20 telecommunications, broadband, and cable television 21 providers. 22 The proposed regulations would 23 streamline and clarify the existing procedural 24 requirements applicable to utility poles and conduit</p>	<p style="text-align: right;">Page 8</p> <p>1 utility poles; four, improved communications and 2 coordination with existing attachers on utility 3 poles as well as appropriate government 4 authorities -- namely, State and local government 5 authorities and officials that manage, authorize, 6 and/or license work conducted on public rights-of- 7 way; and five, finally, annual reporting 8 requirements by utility pole owners. 9 The agencies' proposed revisions to 220 10 CMR 45 are informed by Massachusetts-specific 11 considerations, as well as utility pole attachment 12 regulations and recent activities applicable in 13 other states, to facilitate additional broadband and 14 advanced telecommunications deployment. These 15 activities include regulations implemented by the 16 Federal Communications Commission, which are 17 applicable in states that do not assert jurisdiction 18 over this issue. 19 The Departments' proposals are also 20 informed by extensive comments, data, and input 21 received by our agencies from a broad array of 22 interested stakeholders during our pending joint 23 inquiry proceeding, which we opened early last year 24 and docketed as D.P.U. 25-10 and D.T.C. 25-1.</p>
<p style="text-align: right;">Page 7</p> <p>1 and duct access disputes, including in relation to 2 joint adjudications to be conducted by the agencies. 3 And finally these regulations, proposed 4 regulations would expand the procedural requirements 5 to expressly allow utility pole owners to file 6 complaints against attachers. 7 Of the proposed revisions just 8 identified, the most substantive ones would involve 9 the addition of requirements for utility pole 10 attachment applications and new processes for 11 licensees to access utility poles, including the 12 establishment, one, of timelines and make-ready 13 requirements that vary based on an application's 14 size -- in other words, based on the number of poles 15 identified in a pole attachment application 16 submitted to a utility pole owner; two, permissible 17 deviations from make-ready timelines by utility pole 18 owners and licensees in specific circumstances; 19 three, provisions to allow utility pole licensees to 20 engage in self-help and one-touch make-ready, 21 otherwise known as OTMR, in specific circumstances 22 and to mandate the creation of approved contractor 23 lists by utility pole owners for surveys and make- 24 ready work conducted in the communication space of</p>	<p style="text-align: right;">Page 9</p> <p>1 As I noted at the onset of this hearing, 2 as part of our pending inquiry proceeding, the 3 Departments will also receive comments on a draft 4 amended and restated memorandum of agreement. As 5 proposed, the draft amended and restated MOA would 6 implement new instructions and agency action in 7 relation to joint adjudication by the two agencies 8 of any future formal attachment or access complaints 9 filed by entities pursuant to our shareholder pole 10 attachment and conduit access regulations, 220 CMR 11 45. 12 The Departments will also receive 13 comments on potential informal and non-binding 14 alternative dispute resolution provisions that may 15 be incorporated into a future revised MOA between 16 the agencies. 17 Notice of today's hearing was published 18 on March 27, 2026, in the Massachusetts Register and 19 the Boston Herald. 20 Now, before we move on to instructions 21 for how interested stakeholders and members of the 22 public may provide comments today, D.P.U. 23 Commissioner Rubin and D.T.C. Commissioner Charles 24 would first like to make a few statements.</p>

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1 Commissioner Rubin?
 2 COMMISSIONER RUBIN: Thank you very
 3 much, Hearing Officer Phillips. Good afternoon,
 4 everyone. My name is Staci Rubin, and I'm one of
 5 three Commissioners at the Department of Public
 6 Utilities, or D.P.U. Chair Jeremy McDiarmid and
 7 Commissioner Liz Anderson are also in attendance
 8 today, along with our terrific staff. The three
 9 members of the Commission will work with our
 10 Department of Telecommunications and Cable
 11 colleagues to render a decision in these
 12 proceedings.
 13 Working jointly between D.P.U. and
 14 D.T.C. has been informative for the D.P.U. team. We
 15 gained a better appreciation of the various
 16 stakeholder perspectives during the technical
 17 conferences held last summer in the inquiries that
 18 Hearing Officer Phillips just described. The
 19 information shared at those technical conferences
 20 has shaped the language in the proposed regulation.
 21 The input and data provided by such a broad array of
 22 stakeholders informed our teams' understanding of
 23 the boots-on-the-ground reality of coordinating
 24 attachments and deployment of projects, as well as

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1 challenges encountered by interested stakeholders.
 2 Thank you to everyone for being here and
 3 for your engagement in this process over the past
 4 year and a half, dating back to the opening of the
 5 D.P.U. and D.T.C.'s joint inquiry.
 6 The D.P.U. Commission appreciates the
 7 extensive time, energy, and input provided by
 8 interested stakeholders. In particular, we want to
 9 note that pole owners, competitive broadband and
 10 wireless attachers, union representatives, and
 11 municipal officials have provided informative
 12 comments and data. Thank you.
 13 Thank you to Commissioner Charles and
 14 the excellent staff at D.T.C. for your collaborative
 15 work with our team throughout this process. The
 16 D.P.U. Commission also thanks our staff for their
 17 diligence and commitment to these proceedings.
 18 Throughout this process we have been
 19 reminded that the humble utility pole is deceptively
 20 complex, with multiple interests to balance,
 21 requiring careful coordination and good
 22 communication. Our proposed regulations represent
 23 our effort to improve the governance of the pole
 24 attachment process, and we are here today to listen

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1 to you and your comments about how we can further
 2 improve these regulations.
 3 The proposals before us today represent
 4 the most significant proposed revisions in more than
 5 40 years, and we want to ensure that we get it right
 6 by sufficiently balancing the needs for all
 7 involved. We are eager to hear your comments today.
 8 I will now turn it to my esteemed
 9 colleague at D.T.C., Commissioner Karen Charles.
 10 COMMISSIONER CHARLES: Good afternoon,
 11 and thank you, Commissioner. Good afternoon,
 12 everyone, and thank you for joining us today.
 13 Before we begin, I want to first thank the Healey-
 14 Driscoll Administration for supporting the
 15 collaborative efforts between our agencies, the
 16 Department of Telecommunications and Cable and the
 17 Department of Public Utilities, to streamline the
 18 process for pole attachments across the state.
 19 As part of the Massachusetts Means
 20 Business initiative, this work reflects one of the
 21 many ways we are helping to create an environment
 22 where companies can grow, invest, and succeed in
 23 Massachusetts. I also want to recognize the staff
 24 from both agencies for their hard work organizing

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1 today's public hearing, as well as for their
 2 dedication over the past year and a half in
 3 diligently reviewing these regulations to help
 4 ensure they remain responsive to today's industries'
 5 landscape.
 6 I especially appreciate the partnership
 7 of Chairman McDiarmid, Commissioner Anderson, and
 8 Commissioner Rubin, and all of our colleagues at
 9 D.P.U. as we advanced this rulemaking together, with
 10 the shared goal of making sure Massachusetts has an
 11 efficient and effective pole attachment process.
 12 Lastly, I would like to thank everyone
 13 who has joined us today to provide comments, as well
 14 as those who have already submitted written comments
 15 as part of this proceeding. Since opening this
 16 rulemaking, we have received input from a broad
 17 range of stakeholders, including public officials,
 18 industry partners, municipalities, labor
 19 organizations, and many others, underscoring both
 20 the significance and the timelessness of the issues
 21 before us. The Department remains committed to
 22 developing regulations that hopefully consider the
 23 interests of all parties involved in this process.
 24 Broadband has become an essential part

<p style="text-align: right;">Page 14</p> <p>1 of daily life and a critical component of modern 2 infrastructure. Massachusetts has made significant 3 investments to support expanded and competitive 4 broadband deployment, increasing access and 5 opportunity for consumers across the Commonwealth. 6 These efforts will only accelerate as we move 7 forward with connecting unserved and underserved 8 homes, businesses, and community anchor institutions 9 in 251 communities through the Broadband Equity 10 Access and Deployment program, formally known as 11 BEAD. 12 We know that timely and reliable access 13 to pole infrastructure will be essential not only to 14 expanding high-speed broadband deployment in these 15 communities, but also to ensuring that the 16 Commonwealth remains competitive in an evolving 17 economic environment. Modernizing these processes 18 and reducing barriers to infrastructure investment 19 will help strengthen existing networks and support 20 long-term economic growth and innovation across 21 Massachusetts. 22 I want to close by saying that when 23 Massachusetts means business, we all win. Together 24 we are working to create a more fair, efficient, and</p>	<p style="text-align: right;">Page 16</p> <p>1 and others are, however, welcome to raise questions 2 as comments for consideration by the Departments to 3 inform us as we move forward on these matters. 4 Finally, the Departments traditionally 5 allow elected and other government officials the 6 opportunity to speak first during the public comment 7 portion of the hearing, followed by members of the 8 public and other interested stakeholders. 9 Because utility poles and conduit in 10 many Massachusetts municipalities are owned by 11 municipal lighting plants, and officials from 12 municipal lighting plants are government officials, 13 I will specifically request comment from those 14 officials after any other government officials who 15 would like to provide comments have done so. 16 At this time are there any elected 17 officials viewing through the public link that are 18 present who wish to make a statement? If so, please 19 click the Raise Hand button now or press star 9 if 20 you are participating by phone. And I'll pause here 21 for a moment. 22 To confirm, I am seeing none, Shirley. 23 Do you see any? 24 MS. BAROSY: I do not.</p>
<p style="text-align: right;">Page 15</p> <p>1 predictive environment that helps businesses across 2 the Commonwealth grow, invest, and succeed. We look 3 forward to continued collaboration with all of you 4 as we work to implement meaningful and substantial 5 improvements to the pole attachment process. 6 Again, thank you all for your attendance 7 and participation today. 8 MS. PHILLIPS: Thank you, Commissioners. 9 Now for a few administrative items 10 before we hear comments. First, a court reporter is 11 transcribing today's hearing, so please be sure to 12 identify yourself, spelling your first and last 13 name. To ensure that the court reporter transcribes 14 your comments accurately, please speak clearly into 15 the microphone and at a moderate pace, just as we 16 are doing today. 17 Second, as a public hearing, this is an 18 opportunity for members of the public and interested 19 stakeholders to provide comments and concerns about 20 the Departments' proposed revisions to our 21 regulations, the memorandum of agreement, and 22 potential alternative-dispute-resolution processes. 23 This is not a technical discussion or a 24 question-and-answer session. Members of the public</p>	<p style="text-align: right;">Page 17</p> <p>1 MS. PHILLIPS: Thank you. Let the 2 record reflect we do not have any elected officials 3 who would like to make a statement. 4 At this time are there any appointed 5 officials who would wish to make a statement? If 6 so, please click the Raise Hand button now or press 7 star 9. 8 I see a Zach Crowley has raised his 9 hand, Shirley. If you would please elevate him. 10 Mr. Crowley, can you hear us? 11 MR. CROWLEY: Hi, good afternoon. Can 12 everyone hear me? 13 MS. PHILLIPS: Yes. 14 MR. CROWLEY: Hi. I'm Zach Crowley. 15 I'm the chief of staff for State Senator Dylan 16 Fernandes, and I just want to offer a couple of 17 comments on his behalf, raising out and lifting up 18 some comments you're going to hear later in the 19 meeting from OpenCape. They're an excellent partner 20 down in our district, helping connect essential 21 public infrastructure to high-speed Internet, and we 22 just wanted to make sure that they are heard and 23 listened to. And we appreciate the work they're 24 doing down in our district. Thanks.</p>

<p style="text-align: right;">Page 18</p> <p>1 MS. PHILLIPS: Thank you, Mr. Crowley. 2 Are there any other appointed or elected 3 officials who wish to make a statement? If so, 4 please click the Raise Hand button now or press 5 star 9. 6 All right, seeing none, are there any 7 other State or local officials who wish to make a 8 statement? If so, please click the Raise Hand 9 button now or press star 9, and we will shortly move 10 over to the municipal lighting plant officials. Any 11 other State or local officials who would like to 12 make a statement at this time? 13 All right, seeing none, at this time are 14 there any municipal lighting plant officials who 15 wish to make a statement? I will proceed first with 16 municipal lighting plant officials who preregistered 17 prior to today's hearing, beginning with Joe 18 Mitchell, from Westfield Gas & Electric, who is 19 speaking on behalf of the Municipal Electric 20 Association of Massachusetts and its municipal 21 lighting plant members. But again, if anyone else 22 is with a municipal lighting plant, please raise 23 your hand or press star 9 now. 24 Mr. Mitchell, if you could actually</p>	<p style="text-align: right;">Page 20</p> <p>1 It's important to note that the 40 municipal light 2 plants, or MLPs, operate under a unique statutory 3 framework established by Massachusetts General Laws 4 Chapter 164, and are governed locally by municipal 5 light board members elected or appointed by the 6 ratepayers in those communities. 7 Our members have some genuine concerns 8 regarding safety and reliability and the undue 9 burden of recordkeeping and reporting with the 10 proposed changes. 11 The safety of MEAM's employees, 12 ratepayers, and contractors is a primary concern for 13 the membership. The employees of Massachusetts 14 municipally owned utilities are extensively trained 15 to meet and exceed OSHA, American Public Power 16 Association, or APPA, and National Electric Safety 17 Code, NESC, standards. When a muni -- and municipal 18 light plants are also known as munis -- when a 19 muni-vetted contractor are utilized, the light 20 departments to them routinely visit their sites, 21 ensuring the contractors are working safely and 22 efficiently. The departments document their safety 23 observations through effective safety discussions, 24 capturing both positive interactions and areas for</p>
<p style="text-align: right;">Page 19</p> <p>1 raise your virtual hand as well, it will pop you up 2 in our attendee queue. We have quite a few people 3 listening in today. 4 MS. BAROSY: He's already joined the 5 panel. 6 MR. MITCHELL: My apologies. I raised 7 it, and when you mentioned my name, I lowered it. 8 MS. PHILLIPS: Thank you, Mr. Mitchell. 9 The floor is yours. 10 MR. MITCHELL: Thank you very much. As 11 described, my name is Joe Mitchell, M-i-t-c-h-e-l-l. 12 I'm the assistant general manager of Westfield Gas & 13 Electric Light Department. Today I'm representing 14 MEAM, the Municipal Electric Association of 15 Massachusetts. 16 Thank you to the Department of Public 17 Utilities and Department of Telecommunications and 18 Cable for the opportunity for Municipal Electric 19 Association of Massachusetts, MEAM, to provide 20 stakeholder feedback on the proposed revisions. 21 The Municipal Electric Association of 22 Massachusetts is a statewide association formed in 23 1953. It includes all 40 municipally owned electric 24 utilities in the Commonwealth of Massachusetts.</p>	<p style="text-align: right;">Page 21</p> <p>1 improvement. 2 Additionally, municipal light 3 departments hold regularly scheduled meetings with 4 the contractors to discuss their projects' progress, 5 which is communicated both internally and externally 6 to all stakeholders. 7 Because of this important safety 8 oversight, MEAM is opposed to the implementation of 9 one-touch make-ready. 10 For reasons rooted in system reliability 11 as well as safety, the members of MEAM are opposed 12 to alternative attachment techniques, opposite-side 13 attachments, or boxing. Boxing will create unsafe 14 conditions for utility workers and would violate the 15 NESC Rule 236 on climbing utility poles. Due to 16 boxing, a pole could not be climbed to make any 17 repairs. Boxing will require member light 18 departments to use more bucket trucks and more 19 personnel to perform repairs on boxed poles that 20 could have been accomplished with a single worker 21 climbing a pole. 22 Boxing would lead to increased costs for 23 our ratepayers while replacing poles for routine 24 maintenance and storm restoration. It would also</p>

<p style="text-align: right;">Page 22</p> <p>1 result in longer outages and pole replacement 2 timelines. For instance, boxing would increase the 3 amount of time to replace poles during outages. It 4 would degrade the reliability of municipal-owned 5 utility systems. 6 If boxing is mandated, in order to keep 7 utility workers safe, MEAM member utilities would 8 set poles behind existing poles. As a result, boxed 9 third-party attachees would then have to apply their 10 infrastructure in multiple places to get to the 11 licensed side of the pole they are attached. Boxing 12 methods would require MEAM utility workers to 13 possibly attempt to weave a new pole in between 14 existing high-voltage wires. Boxing should be an 15 extreme exception and not the norm. 16 Boxing should not be allowed because an 17 attachee wants to avoid paying the make-ready costs. 18 Additionally, if boxing is allowed, a backlog of 19 double poles could easily develop. 20 Further, if these rules are adopted, how 21 would companies that have processed through the 22 current pole application process be compensated for 23 their millions of dollars of investment to provide 24 an equal playing field for the fair play of the</p>	<p style="text-align: right;">Page 24</p> <p>1 accepting these poles is further elevated. 2 MEAM strongly recommends the Department 3 recognizes this transfer of liability and ensure 4 that any regulatory changes include appropriate 5 protections for pole owners. At a minimum, this 6 should include clear responsibility for attachees to 7 certify compliance prior to transfer, 8 indemnification provisions, and the ability for 9 municipal utilities to require remediation of 10 noncompliant attachments before accepting ownership 11 through the NJUNS process. 12 In the interests of reliability of the 13 distribution infrastructure of MEAM members, MEAM 14 does not support the expansion of the application of 15 their pole attachment regulations to electric- 16 vehicle supply equipment, or EVSE. EVSE could 17 complicate and slow down the current pole attachment 18 process by including another pole attachee to 19 consider and coordinate with regarding make-ready 20 work. Therefore, the need to coordinate with EVSE 21 attachees could increase the likelihood of double 22 poles. 23 Also, EVSE attachment is principally 24 located outside the usable space for communications</p>
<p style="text-align: right;">Page 23</p> <p>1 competition? 2 MEAM members also have significant 3 concerns regarding the liability associated with 4 accepting poles through the NJUNS process. When a 5 municipal light department assumes ownership of a 6 pole through NJUNS, it inherits responsibilities for 7 all the existing attachments and associated 8 conditions on that pole. This includes legacy 9 installations that may not meet current safety 10 standards. National Electrical Safety Code 11 requirements or utility-specific construction 12 practices could be violated. 13 Without the ability to fully verify that 14 all third-party attachments are compliant at the 15 time of transfer, municipal utilities may be exposed 16 to increased legal and financial risk. This 17 includes potential liability for injuries, service 18 interruptions, or property damage resulting from 19 pre-existing, noncompliant, or improperly installed 20 facilities. 21 Additionally, where proposed regulations 22 could expand attachment types or allow alternative 23 construction methods such as boxing or one-touch 24 make-ready, the risk profile associated with</p>	<p style="text-align: right;">Page 25</p> <p>1 attachments and below Verizon. Therefore, there is 2 not a need to include them in the pole attachment 3 regulations. 4 Lastly, pole-mounted EVSE negatively 5 impacts the system reliability of MEAM members when 6 responding to emergencies and storm conditions in 7 the event of a pole replacement being required. 8 Similar to street lights, EVSE would have to be left 9 on the side of the road next to the pole for the 10 pole owner to cut and kick and replace this pole. 11 Currently Verizon is the lowest communications 12 attachment because they can make a single visit to 13 transfer and remove the pole. If EVSE is allowed 14 and became the lowest attachment, it would require 15 Verizon to make multiple visits to the same pole to 16 transfer and then remove the pole. 17 Due to the diverse nature and the size 18 of MEAM members and the different size of the 19 municipalities, MEAM is not supportive of the 20 additional information filings and website postings 21 proposed by both the Department of Public Utilities 22 and the Department of Telecommunications and Cable. 23 Several of MEAM's members have limited staff and 24 financial resources. The additional reporting</p>

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1 proposed by the amendments will create an undue
 2 burden on these municipal utilities.
 3 Lastly, MEAM suggests that the
 4 Department allow electric distribution company pole
 5 owners to reserve more space on their poles for
 6 future electric needs.
 7 As the Departments are aware, the
 8 electric system in Massachusetts is going through a
 9 period of transition due to the efforts to address
 10 climate change. As a result, there are efforts to
 11 increase electrification and promote grid
 12 modernization. Municipal electric companies should
 13 be allowed to reserve more space on their poles so
 14 that there's enough space to accommodate future
 15 deployment of electrical equipment needed to address
 16 increased demands on the electrical system.
 17 I thank you again for the opportunity to
 18 communicate to you.
 19 MS. PHILLIPS: Thank you so much, Mr.
 20 Mitchell.
 21 At this time I see Mr. Bob Handsaker has
 22 raised his hand. He has also preregistered, from
 23 the Charlemont MLP. Mr. Handsaker, can you hear me?
 24 MR. HANDSAKER: I can, yes.

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1 MS. PHILLIPS: You may proceed.
 2 MR. HANDSAKER: My name is Bob Handsaker
 3 H-a-n-d-s-a-k-e-r. And I want to thank the
 4 Departments and the hearing officers for the
 5 opportunity to speak today.
 6 I'm the MLP manager for the Town of
 7 Charlemont Municipal Light Plant, and we have
 8 submitted written comments, so I'm going to keep my
 9 remarks brief. But I wanted to highlight three
 10 important points today.
 11 The first is that we have a long and
 12 very good working relationship with National Grid,
 13 our incumbent electricity provider. We count on
 14 them for reliable electricity delivery in our rural
 15 town, and they do a great job. And they've also
 16 been a reliable partner in the deployment of our
 17 Town's broadband network.
 18 Second, Charlemont MLP is a telecom-only
 19 LMP. We don't provide electrical service. We
 20 provide broadband services only within our town
 21 borders to about 500 subscribers, and we do this by
 22 licensing space on existing utility poles. We don't
 23 have any ownership interest in these electric
 24 utility poles.

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1 There are now dozens of small telecom-
 2 only MLPs in western Massachusetts, but we fall into
 3 a loophole in the regulations. Charlemont, in the
 4 words of the Departments, is a non-licensee attacher
 5 under both the current regulations and under the
 6 proposed changes. This puts us in a kind of
 7 regulatory limbo, where, although we license space
 8 on poles where we have no ownership interest and we
 9 act like a licensee in all respects, we enjoy none
 10 of the rights or protections provided to licensees
 11 under the regulations. So our ask in this respect
 12 is simply to amend the definitions to treat telecom-
 13 only MLPs equally with other third-party licensees.
 14 My last comment is that we are also
 15 seeking regulatory clarity around cost recovery for
 16 certain reliability projects. And in our
 17 discussions with National Grid, we believe they
 18 would welcome such clarity as well.
 19 So in this context reliability projects
 20 are upgrades undertaken by National Grid to increase
 21 the overall system reliability. These may be
 22 initiated in response to State or D.P.U.
 23 requirements or by the utility itself. Importantly,
 24 these reliability projects are not for the benefit

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1 of a single entity. They're providing widespread
 2 benefit to many ratepayers who may be located far
 3 from the work itself.
 4 So we're asking for regulatory clarity
 5 on the cost recovery for these reliability projects.
 6 As things currently stand, the practices are uneven,
 7 and the costs for these projects are being pushed
 8 onto small third-party attachers like Charlemont
 9 MLP. And because we're small, these costs are
 10 relatively large and unduly burdensome to our
 11 municipal light plant. We have no way to control
 12 these project costs, no way to predict them, and no
 13 way to budget for them.
 14 And since these projects are improving
 15 reliability across the grid, we're asking that the
 16 utilities be allowed to recover these project costs
 17 on a broader basis and not unevenly or selectively
 18 from some third-party attachers that happen to be
 19 closer to the work.
 20 Thank you very much for listening and
 21 for your attention to these issues.
 22 MS. PHILLIPS: Thank you, Mr. Handsaker.
 23 At this time are there any other
 24 government officials or municipal lighting plant

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1 officials who would like to make a statement or
 2 provide comments? If so, please raise your virtual
 3 hand or press star 9 now. And I will pause briefly.
 4 Let the record reflect that no
 5 additional government officials requested to speak
 6 at this time.
 7 Now we will move to comments from
 8 members of the public and other interested
 9 stakeholders. If there is anyone who would like to
 10 speak and is watching through the Zoom link, please
 11 press the Raise Hand button now and I will call you
 12 on when it's your turn to speak. For anyone on the
 13 phone, again, please press star 9 to raise your hand
 14 and I will identify you by the first four digits and
 15 the last three digits of your phone number when it's
 16 your turn to speak.
 17 Once I call your name as identified
 18 through your log-in or your phone number, Shirley
 19 and Kaylee will elevate you from the public link to
 20 a panelist, with the ability to make comments for
 21 the public record. When it's your turn, you will
 22 receive a message indicating that the host would
 23 like to promote you to panelist. To provide your
 24 comment, click on the Join As Panelist option. And

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1 then once I call on you, please remember to unmute
 2 your microphone.
 3 So again, please raise your virtual hand
 4 now or press star 9. If you need to unmute from the
 5 telephone, if you're on the phone, you need to press
 6 star 6.
 7 Now I'll pause one more time to give
 8 folks an opportunity to raise their virtual hands
 9 and press star 9. I do see about five hands raised
 10 at this time.
 11 Let's begin with Pete Saladino. Can you
 12 hear me, Mr. Saladino?
 13 MR. SALADINO: I sure can. Thank you.
 14 MS. PHILLIPS: If you could please again
 15 state your name clearly, spelling your first and
 16 last name. If you're speaking on behalf of an
 17 organization or company, please also state your
 18 title and organization or company name.
 19 MR. SALADINO: Good afternoon. My name
 20 is Pete Saladino, S-a-l-a-d-i-n-o. I'm the CEO of
 21 OpenCape Corporation in Barnstable. We're a
 22 Massachusetts nonprofit organization operating a
 23 500-mile fiber network serving Cape Cod and
 24 southeastern Massachusetts, connecting hospitals,

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1 schools, colleges and universities, public safety
 2 agencies, small and medium businesses, and
 3 enterprise customers. We've submitted written
 4 comments, so I will keep my comments brief today.
 5 OpenCape is both a frequent pole
 6 attacher and an open-access nonprofit with Federal
 7 obligations to provide open access. We experience
 8 these issues from both sides, and so have a unique
 9 perspective.
 10 According to our analysis of the Fiber
 11 Broadband Association's May 2025 study of fiber-to-
 12 the-home penetration by state, Massachusetts ranks
 13 47th amongst U.S. states in progress from 2013
 14 through 2024. The Fiber Broadband Association is
 15 the largest fiber industry trade association in
 16 North America. OpenCape strongly supports the
 17 proposed revisions to 220 CMR 45.00, which will help
 18 remedy this slow relative growth.
 19 Most of the work performed by
 20 nonprofits, municipalities, and competitive
 21 providers like OpenCape fall into small, regular,
 22 and midsized categories. We strongly support the
 23 scaled timelines, the expanded one-touch make-ready
 24 option, the self-help remedies, and the stronger

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1 transparency requirements. These changes will make
 2 a real difference on the projects we and similar
 3 organizations undertake every day.
 4 To ensure these rules work well for
 5 smaller attachers like us and do not mainly provide
 6 benefits to larger service providers at the expense
 7 of smaller providers, we respectfully request four
 8 targeted refinements which will help.
 9 One, clear, objective criteria and a
 10 required minimum number of qualified contractors per
 11 utility; two, streamlined safe harbor process for
 12 BEAD and publicly funded projects; three, scaled
 13 timelines and stronger coordination for pole
 14 replacements and double-pole removal; and four,
 15 clear confirmation that the new framework, including
 16 one-touch make-ready and self-help, applies fully to
 17 small cell, DIS, and neutral host attachments.
 18 With these modest changes, the final
 19 regulations will reduce delays, lower costs, and
 20 accelerate high-speed broadband to the communities
 21 that need it most.
 22 Thank you for the opportunity to
 23 comment. We are happy to participate in today's
 24 hearing, and we stand ready to provide any

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1 additional information that may help.
 2 MS. PHILLIPS: Thank you, Mr. Saladino.
 3 Next on the queue I see a James Everley.
 4 Mr. Everley, can you hear me?
 5 MR. EVERLEY: I can indeed. Thank you.
 6 MS. PHILLIPS: You may proceed.
 7 MR. EVERLEY: My name is James Everley.
 8 That's J-a-m-e-s E-v-e-r-l-e-y. I am the director
 9 of business development at Voltpost.
 10 Firstly, I'd like to say we appreciate
 11 the opportunity to comment, and recognize -- we'd
 12 like to say thanks for the thoughtful guidance
 13 that's been produced on pole-mounted electric-
 14 vehicle charging and its recognition of the
 15 important role this infrastructure can play in
 16 accelerating equitable EVSE deployments.
 17 We would like to take this opportunity,
 18 however, to respectfully seek to clarify the pole-
 19 mounted EV charging solutions should be classified
 20 as simple make-ready rather than complex make-ready
 21 under the proposed regulations.
 22 I should say that Voltpost is the
 23 leading streetlight EVSE charging company here in
 24 the U.S. We have extensive experience of working

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1 with utilities across the U.S. We also count Exelon
 2 as one of our investors. And we have projects,
 3 active projects, with multiple utility companies.
 4 As defined in 220 CMR 45.02, complex
 5 make-ready includes work that is reasonably likely
 6 to cause service outages or damage to existing
 7 attachments or that involves activities such as
 8 splicing, relocation of existing attachments, work
 9 above the communications space, or pole replacement.
 10 Voltpost's pole-mounted charger
 11 installation approach does not trigger any of these
 12 conditions. Specifically, we conduct technical site
 13 surveys to ensure deployments, A, do not cause
 14 service outages or damage to any existing attachment
 15 or pole; B, do not require splicing of existing
 16 attachments or relocation of existing
 17 communications; C, do not necessitate work above the
 18 communications space or within the electric supply
 19 space; D, do not require a replacement; and lastly,
 20 E, do not involve wireless telecommunications
 21 attachments.
 22 We've submitted written comments and
 23 thank you for this opportunity. I will say that
 24 access to utility poles is a vital part of being

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1 able to deploy EVSE and for curbside charging, for
 2 disadvantaged communities, for all EV drivers that
 3 park on street. And I thank you for your time.
 4 MS. PHILLIPS: Thank you, Mr. Everley.
 5 Next I see Tim Wilkerson, from NECTA.
 6 Can you hear me? We'll pause shortly. Shirley, to
 7 confirm, did you elevate Mr. Wilkerson?
 8 MS. BAROSY: I did.
 9 MS. PHILLIPS: Mr. Wilkerson, you are on
 10 mute.
 11 All right, we'll place Mr. Wilkerson
 12 back in the attendee queue for now and we'll circle
 13 back around.
 14 We'll move next to Jamie Hoare, from
 15 GoNetSpeed. Attorney Hoare, can you hear me?
 16 MR. HOARE: I can.
 17 MS. PHILLIPS: Please proceed with your
 18 comments.
 19 MR. HOARE: Good afternoon. I'm Jamie
 20 Hoare, counsel at GoNetSpeed. Thank you to the
 21 Department of Public Utilities and the Department of
 22 Telecommunications and Cable for the opportunity to
 23 comment on the proposed rules governing pole
 24 attachments.

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1 Unlike every other state that has
 2 asserted jurisdiction over pole attachments,
 3 Massachusetts assigns regulatory authority to two
 4 separate Departments, the D.P.U. and the D.T.C. The
 5 question therefore is not whether both Departments
 6 have authority; it's how that authority is
 7 exercised.
 8 Section 224 of the Communications Act
 9 requires states to balance the interests of electric
 10 ratepayers and communications subscribers
 11 simultaneously. That balance cannot occur if
 12 jurisdiction is divided in a way that isolates each
 13 constituency within a separate department.
 14 A split framework resists placing each
 15 Department in the position of defending only one set
 16 of interests, and the result is structural gridlock.
 17 The better interpretation, and the only
 18 one consistent with Section 224, is shared
 19 jurisdiction, where both Departments evaluate the
 20 full impact of pole attachment policy on
 21 Massachusetts residents and businesses. By sharing
 22 jurisdiction, the Departments may holistically
 23 evaluate impacts on residences and businesses in
 24 Massachusetts.

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1 From a practical perspective, electric
 2 ratepayers are communications subscribers, and
 3 communications subscribers are electric ratepayers.
 4 The EDCs have consistently banged a drum about
 5 minimizing the impact on electric ratepayers, but
 6 they've been very sparse on details. The impact on
 7 electric ratepayers as electric ratepayers is de
 8 minimis. Attachers already pay for the make-ready
 9 work caused by their attachments. We pay the costs
 10 for engineering, survey, and processing the
 11 paperwork.
 12 The pole owners have not offered any
 13 impact on ratepayers caused by reasonable
 14 timeframes, OTMR, or self-help. But the impact of
 15 competition on broadband rates is remarkable. A
 16 study released this year by the California Public
 17 Advocate's Office shows that the presence of two or
 18 more gigabit providers in a market reduced costs to
 19 the consumer by 15 to 40 percent, so about \$20 to
 20 \$60 per month per household.
 21 The math here is simple enough, and you
 22 are presented here with a meaningful way to lower
 23 costs for Massachusetts consumers. Seize that
 24 opportunity, and don't codify and entrench the

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1 obstructionist tactics of the pole owners. Use the
 2 same tools used elsewhere in New England and around
 3 the nation to make a meaningful change to lower
 4 costs for the people and businesses in the
 5 Commonwealth.
 6 To do that, the regulatory framework
 7 must move beyond the notion that reasonably paced
 8 broadband deployment is somehow in tension with
 9 safety and reliability. Broadband providers like
 10 GoNetSpeed care deeply about safety and reliability,
 11 just as much as the electric distribution companies
 12 do. Our networks depend on safe and reliable
 13 infrastructure just as much as the power companies'
 14 and Verizon's networks, and the record already shows
 15 that the current system suffers from extensive
 16 noncompliance with existing safety requirements and
 17 best engineering practices.
 18 The notion that OTMR and self-help in
 19 both the communications and power space negatively
 20 impact safety and reliability is simply false.
 21 These remedies and techniques are used regularly
 22 throughout the country. Right now here in
 23 Massachusetts the electric companies routinely use
 24 contractors to do work on their own facilities. So

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1 we know that the use of contractors is not unsafe
 2 per se.
 3 Now when an electric company uses
 4 contractors, the only oversight of that work is by
 5 the power company itself. Now, where self-help is
 6 permitted in the power space, the power companies
 7 retain that oversight, and the same contractors used
 8 and approved by the EDCs do the work. To call that
 9 a reduction in safety or reliability is nonsensical.
 10 The two crucial differences are that, where an
 11 attacher engages in self-help, the EDC, the phone
 12 company, and every other attacher on the pole is
 13 invited to observe the work as it is being done.
 14 They all can inspect the work after it is done and
 15 demand correction of any deficiency.
 16 And the second difference is that, where
 17 the attacher is able to communicate with the
 18 contractor, we can forecast our needs to allow a
 19 contractor to hire new employees and to accurately
 20 predict costs, resulting in a more orderly,
 21 predictable process.
 22 GoNetSpeed routinely finds noncompliant
 23 poles when it applies for poles in the Commonwealth.
 24 It is apparent that the pole attachment process is

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1 an important tool for identifying noncompliant
 2 electric infrastructure in Massachusetts. But while
 3 those pre-existing violations have apparently
 4 persisted for years or decades, the OTMR and
 5 self-help rules appropriately require attachers to
 6 correct any common compliance rapidly. For example,
 7 if a post-installation inspection finds
 8 noncompliance in the FCC rules, it must be corrected
 9 within two weeks. GoNetSpeed thinks this is
 10 appropriate, and we have never advocated to allow
 11 noncompliance to continue for years.
 12 Safety is paramount, and that's not just
 13 lip service. Approaches such as one-touch
 14 make-ready combined with proper inspections and
 15 prompt correction of issues can allow broadband
 16 networks to be built efficiently, while still
 17 ensuring the safety and reliability standards are
 18 maintained.
 19 When problems are identified, they can
 20 and should be, and in practice are, corrected
 21 immediately. The entire OTMR and self-help process
 22 is filled with input processes from EDCs, ILECs, and
 23 other attachers. And once construction is complete,
 24 the end result is more NESC compliance than before

<p style="text-align: right;">Page 42</p> <p>1 application. Like ethical campers, we leave it 2 better than we found it. 3 The final rules adopted must have 4 reasonable timeframes, reflecting those elsewhere in 5 New England and the nation, and there must be real, 6 effective remedies for missed deadlines. The 7 consequences of delay and inefficiency are not 8 abstract. They have real impacts on customers and 9 ratepayers. 10 Broadband providers must make 11 substantial capital investments before a single 12 customer is connected. When access to poles becomes 13 unpredictable, delayed, or exorbitantly expensive, 14 it affects when complaints must be filed, how 15 projects are sequenced, and whether deployments can 16 proceed at all. Every day represents capital 17 sitting idle, missed opportunities to connect 18 communities, and uncertainty about whether 19 investments will generate a return. 20 Over four years ago GoNetSpeed 21 petitioned the Departments, alerting them to serious 22 deficiencies in the practices of Massachusetts pole 23 owners. These deficiencies have a real adverse 24 effect on attracting and retaining broadband</p>	<p style="text-align: right;">Page 44</p> <p>1 investment, while maintaining the safety and 2 reliability standards that all parties share an 3 interest in protecting. 4 For companies like GoNetSpeed, the 5 ability to invest in Massachusetts depends on a 6 regulatory framework that is predictable, efficient, 7 and fair. We encourage the Departments to adopt 8 rules that reflect the shared jurisdiction of this 9 proceeding and that fully account for the interests 10 of Massachusetts consumers. Thank you. 11 MS. PHILLIPS: Thank you, Mr. Hoare. 12 And before you leave us, if you could just spell 13 your first and last name for our court reporter, as 14 well as identify your title with GoNetSpeed. 15 MR. HOARE: Certainly. Jamie, 16 J-a-m-i-e; and Hoare is H-o-a-r-e. I am vice 17 president and chief legal counsel for GoNetSpeed. 18 MS. PHILLIPS: Thank you, Attorney 19 Hoare. 20 Next on our list I see Steve Maher. And 21 as a reminder, please spell your first and last 22 name, and if you're with an entity, identify your 23 title and entity that you are representing. Can you 24 hear me?</p>
<p style="text-align: right;">Page 43</p> <p>1 investment. In the past four years GoNetSpeed has 2 invested almost six times as much in Maine as in 3 Massachusetts to build networks, almost seven times 4 as much in Connecticut. We have spent almost as 5 much building in rural Alabama as we have in 6 Massachusetts. This wasn't the plan four years ago, 7 but we need a return on our investment. And four- 8 year pole attachment processes are not sufficient 9 when neighboring states get it done in less than a 10 quarter of that time. 11 The need for competitive broadband is 12 here. Consumers in Massachusetts deserve lower 13 prices and better performance. For that to happen, 14 the pole attachment process needs reform to bring it 15 on par with competing jurisdictions. 16 Ultimately the Departments face a 17 choice: The rules could simply codify and entrench 18 current practices, reflecting the parochial 19 interests of the incumbent pole owners, but doing so 20 risks preserving a system that slows deployment, 21 limits competition, and chokes investment. 22 Alternative, the Departments can adopt 23 rules that encourage competition, accelerate 24 broadband development, and promote and attract</p>	<p style="text-align: right;">Page 45</p> <p>1 MR. MAHER: Stephen Maher. First name 2 S-t-e-p-h-e-n; last name is Maher, M-a-h-e-r. I am 3 the director of government affairs for Ripple Fiber. 4 We are a fiber broadband provider, ISP. We operate 5 in ten states across the country, including 6 Massachusetts. We currently have three active 7 projects in Massachusetts. Hoping to expand that 8 this year and the coming years. 9 I will keep my remarks relatively brief, 10 because I do think that these regulations are going 11 to have a good, significant impact on speeding up 12 deployment for telecom providers, specifically fiber 13 broadband, which is expanding across the state right 14 now. 15 The implication of one-touch make-ready 16 is going to be fantastic. But the concern we have 17 is that, as I'm sure you're aware, we have 18 infrastructure in Massachusetts that's 100, 150 19 years old in some situations, which means that in 20 most of the projects that we're looking to do it's 21 going to be a mix of simple make-ready and complex 22 make-ready, meaning that even if we are able to 23 implement one-touch make-ready in certain areas, for 24 the entire projects there's going to be those</p>

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1 complex areas that are going to slow down the
 2 project altogether.
 3 And where that really, I think, comes in
 4 concern is that the timelines don't necessarily
 5 match up as far as getting one-touch make-ready
 6 completed and getting the complex make- ready. And
 7 I think one item that I think would go a long way in
 8 improving these regulations and making them really
 9 have a significant impact for ISPs like ourselves is
 10 some sort of either a self-help mechanism or a
 11 remedy for providers like ourselves that are trying
 12 to get on poles where the electrical work hasn't
 13 been done yet.
 14 There's been work done in other areas
 15 where two different, I think, remedies have come
 16 into play. One is being able to do a temporary
 17 attachment by right if the work isn't done within a
 18 certain amount of time. I think, you know, it's
 19 around 180 days for the make-ready work to get done.
 20 The issue that I think we have is that there's no
 21 teeth in it in case the electrical work is not done
 22 within that timeframe, for us to have something to
 23 fix that.
 24 Another remedy that we've experienced in

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1 other areas is with the use of ADSS- certified fiber
 2 wires -- which, for those unfamiliar, basically just
 3 means that it's nonconductive -- being able to
 4 attach into the neutral space either temporarily or
 5 permanently. In those situations it doesn't cause
 6 any safety concerns because the wire itself is
 7 nonconductive. You would just have to obviously
 8 hire people that are qualified and certified to work
 9 within that space.
 10 And then, of course, I think the third
 11 option that really I think makes the most sense is
 12 just being able to hire certified contractors to do
 13 that electrical work where it needs to be done.
 14 Again, we operate in about ten states
 15 right now. As, again, I'm sure you are all aware,
 16 Massachusetts has by far the longest timelines in
 17 order to get up on poles, mainly because of that
 18 complex make-ready that needs to be done.
 19 In certain states we operate, as far as
 20 Illinois, typically from start to finish we're up on
 21 poles in three to four months. Massachusetts, we
 22 are looking at well over a year in a good situation.
 23 One of the other, I think, concerns that
 24 we have that isn't necessarily addressed is how the

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1 pole owners are approaching the applications.
 2 Currently they're doing it in kind of -- they're
 3 stacking their applications, meaning basically one
 4 application for a pole needs to go through the
 5 process completely before another application's even
 6 started. What I think we would like to see is for
 7 those applications to be taken up concurrently so
 8 that if two applications come in, one right after
 9 the other, from two different companies for a pole,
 10 the timelines are concurrently happening.
 11 So, you know, for an example, in certain
 12 areas we are two weeks behind another provider that
 13 has requested make-ready work to be done on a pole.
 14 That doesn't mean that necessarily we're just going
 15 to be two weeks behind getting up on that pole once
 16 they're up. That means that we're going to not be
 17 able to actually start our make-ready process until
 18 their process is completed. So that could take --
 19 that could basically turn a -- right now which would
 20 be probably about a 14-, 15-month process into about
 21 a 30-month process in certain circumstances.
 22 I think those are areas that I think we
 23 would like to see addressed, and in that situation I
 24 think we'd be in a fantastic situation to really be

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1 able to get a lot faster speed to market for our
 2 product and for a lot of the other ISPs out there
 3 that are attempting to do the same thing.
 4 So thank you.
 5 MS. PHILLIPS: Thank you, Mr. Maher.
 6 In our queue I see two additional
 7 individuals, Matt. I see Matt DeTura, from CTIA,
 8 and Anna Lucey, from NECTA. So we'll go with both
 9 of you, one at a time.
 10 But before we do, just as a reminder to
 11 anyone else who may like to provide statements or
 12 comments, you may raise your virtual hand now or
 13 press star 9. And I will ask again after they
 14 provide their comments.
 15 So at this time, Shirley, if you could
 16 elevate Matt DeTura, please.
 17 MR. DeTURA: Thank you so much. This is
 18 Matt DeTura, M-a-t-t D-e-T-u-r-a. I'm the senior
 19 counsel for external and state affairs at CTIA,
 20 representing the wireless industry.
 21 I just want to thank the Departments for
 22 allowing us to speak here today. We've also
 23 submitted comments, so I'll be brief, especially
 24 because, you know, we're largely in agreement with a

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1 number of the other commenters who noted how
 2 critical it is for the Commonwealth to remove
 3 barriers to deployment to get broadband out --
 4 broadband availability out for the Commonwealth's
 5 citizens.
 6 We do think the proposed rules are a
 7 good first step towards modernizing the
 8 Commonwealth's pole attachment rules. In
 9 particular, CTI supports the implementation of shot
 10 clock timelines as well as OTMR and other self-help
 11 remedies. These are all things that have proven
 12 workable and valuable in other jurisdictions, and we
 13 believe that the Departments should maintain these
 14 in the proposed rules as it goes forward.
 15 As the Departments continue to refine
 16 the rules, I'd reinforce the previous commenters to
 17 just note that accountability is really key.
 18 Timelines are important, and again useful, but the
 19 Departments need to make clear that there are
 20 enforcement mechanisms, especially if the
 21 Departments choose to maintain the length of the
 22 shot clocks in the proposed rules, which do allow
 23 for more time than the FCC do in other
 24 jurisdictions.

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1 Self-help remedies and OTMR are a
 2 valuable recourse for attachers, but they're limited
 3 by the availability of -- the availability of
 4 reliable contractors. And so enforcement remains
 5 important here.
 6 Also, we believe that an important thing
 7 for the Departments to do as they revise the
 8 proposed rules is to incorporate some form of rapid
 9 dispute resolution. We discuss some of that in our
 10 opening comments. Rapid dispute resolution strongly
 11 helps to ensure a more level playing field for
 12 owners and attachers and can help reduce delays by
 13 ensuring that pole attachment disputes don't get
 14 tied up for an unnecessarily long amount of time.
 15 CTI appreciates the opportunity to speak
 16 here, and we look forward to continuing to engage
 17 with the Departments and stakeholders on reply.
 18 Thank you.
 19 MS. PHILLIPS: Thank you, Attorney
 20 DeTura.
 21 Next in our queue we have Anna Lucey,
 22 from NECTA.
 23 MR. WILKERSON: Hello there. Can you
 24 hear me? I am not Anna Lucey. I am Tim Wilkerson.

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1 I apologize for that snafu earlier. Zoom isn't
 2 always my friend with my mike. So I apologize.
 3 MS. PHILLIPS: Not a problem. If you'd
 4 like to proceed. And again, if you could just spell
 5 your first and last name, Attorney Wilkerson, as
 6 well as your title with NECTA.
 7 MR. WILKERSON: Thank you,
 8 Commissioners, Hearing Officers, and staff. My name
 9 is Tim Wilkerson, T-i-m W-i-l-k-e-r-s-o-n. I'm
 10 president and CEO of the New England Connectivity
 11 and Telecommunications Association, or NECTA,
 12 N-E-C-T-A. We represent major cable broadband
 13 providers in the Commonwealth, and our associate
 14 members include other ISPs, fiber providers, and
 15 broadband equipment companies that would be
 16 negatively impacted by these proposed rules.
 17 On behalf of our members, we thank the
 18 Departments for this substantial undertaking, as we
 19 appreciate how much work has gone into this
 20 proceeding. That said, we have filed extensive
 21 comments and provided comprehensive redlines to the
 22 proposed regulations and welcome this opportunity to
 23 provide a brief overview of the serious challenges
 24 the proposed rules present the broadband industry.

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1 I would like to share two documents, if
 2 I could.
 3 MS. PHILLIPS: You should be able to
 4 share screen. But I would warn you that anything --
 5 this is not being recorded, it's just being
 6 transcribed. And so you need to articulate what you
 7 might be showing us. And if you could submit those
 8 after the public hearing, I'd appreciate it.
 9 MR. WILKERSON: Absolutely. It's the
 10 executive summary at the top?
 11 MS. PHILLIPS: Yes. If you're able to
 12 make that a little larger, that would be much
 13 appreciated.
 14 MR. WILKERSON: Of course.
 15 Is that better?
 16 MS. PHILLIPS: Yes. Thank you. You may
 17 proceed.
 18 MR. WILKERSON: Thank you. First, this
 19 is an executive summary of our top five concerns
 20 with the proposed rules.
 21 NECTA shares the Healey-Driscoll
 22 Administration goals of facilitating broadband
 23 deployment and infrastructure modernization.
 24 Currently Massachusetts lacks timelines for pole

<p style="text-align: right;">Page 54</p> <p>1 access, unlike our surrounding certified states and 2 FCC-regulated states. The current lack of rules for 3 pole access makes deployment unnecessarily onerous 4 today, but the proposed rules will exacerbate 5 already lengthy timeframes and make Massachusetts a 6 costlier place to do business.</p> <p>7 Without rules imposing realistic but 8 expeditious timelines, Federal broadband deployment 9 dollars are in jeopardy, and other future deployment 10 will remain unnecessarily delayed. The proposed 11 rules make Massachusetts a significant outlier to 12 our surrounding states and most of the country in 13 several ways, including the following five that I 14 will highlight today.</p> <p>15 First, deployment timelines are 16 excessive and unnecessarily complex. Under the 17 proposed rules, mid-size projects would not begin 18 deployment for at least 245 days for simple 19 make-ready and 305 days for complex make-ready. 20 These already lengthy timeframes do not include 21 local permitting processes. Large projects would 22 take as least 404 days for simple make-ready -- 23 again, plus local permitting -- before attachment 24 could proceed.</p>	<p style="text-align: right;">Page 56</p> <p>1 duplicative and unnecessary second meet-and-confer 2 requirements at the make-ready stage.</p> <p>3 Concern No. 3: The proposed rules 4 include overly broad deviation provisions that could 5 render deadlines meaningless. The proposed rules 6 allow pole owners deviations from timelines with no 7 cap on extensions, creating needless uncertainty.</p> <p>8 Our fourth concern: The proposed rules 9 create a new pole attachment agreement requirement 10 that exists in no other jurisdiction. The proposed 11 rules require execution of a new or amended pole 12 attachment agreement for each set of attachments 13 before make-ready can begin. No other state imposes 14 such a requirement. This proposal introduces 15 substantial delays into an already- lengthy process.</p> <p>16 Our fifth and final concern: The 17 proposed complaint process does not support 18 enforcement of deadlines. Attachers need expedited 19 dispute resolution to protect broadband deployment. 20 The proposed rules allow complaints to be converted 21 into rulemakings, provide for 360-day resolution 22 timelines, and transform bilateral disputes into 23 quasi-public proceedings. These proposed concepts 24 will cause delays and are out of step with other</p>
<p style="text-align: right;">Page 55</p> <p>1 Conversely, many surrounding states' 2 attachment rules move projects from application to 3 completion in much shorter timeframes. For example, 4 midsize projects are typically completed in as 5 little as 178 days, including all local permitting.</p> <p>6 The proposed rolling 60-day period to 7 determine the size of an order is not only 8 practically unworkable but would further exacerbate 9 these timelines issues, much of which as you heard 10 from Ripple Fiber as well.</p> <p>11 Second, the proposed rules mandate long 12 and burdensome preapplication and meet-and-confer 13 requirements. The proposed rules require 40 to 95 14 days of preapplication advance notice for midsize 15 and large applications plus meet-and-confer 16 requirements with not only pole owners but also 17 existing attachers, who are our competitors, and 18 potentially multiple government authorities.</p> <p>19 These requirements add needless 20 complexity to the preapplication stage of a project. 21 They raise serious competitive concerns with other 22 attachments and questions about the scope of 23 involvement of local authorities -- all adding 24 unnecessary processes. The proposed rules add</p>	<p style="text-align: right;">Page 57</p> <p>1 states' proven regulatory frameworks that prioritize 2 rapid dispute resolution processes.</p> <p>3 Any concerns that a single adjudication 4 would have an inordinate broader impact on the 5 entire ecosystem will be obviated by the existence 6 of clear pole access rules for the first time.</p> <p>7 Next I would like to show a side-by-side 8 timeline of the FCC framework in the middle column 9 for mid- and large pole attachment orders and the 10 estimated timelines for similar projects under the 11 proposed rules on the far-right column. This side- 12 by-side illustrates in greater detail the timeline 13 concerns that we raised in our first point 14 previously.</p> <p>15 As you can see, we've divided this into 16 seven categories: order size, No. 1; advance meet- 17 and-confer, No. 2; review of application 18 completeness, No. 3; review of application on the 19 merits, grant, or deny access complete survey, next; 20 make-ready estimates; attacher acceptance; and then 21 finally make-ready completion.</p> <p>22 But what's most important about this 23 side-by-side is the final column -- the final row, I 24 would say, which is best-case timeframe. In our</p>

<p style="text-align: right;">Page 58</p> <p>1 estimated best-case timeframe we respectfully offer 2 that under the FCC framework for mid-size attachment 3 projects in the common electric spaces, including 4 local permits, will be completed 67 days shorter 5 than the proposed rules and for larger projects in 6 the common electric space will be 91 days shorter 7 under the FCC framework. Neither of these lengthy 8 timeframes estimate the added additional time for 9 local permits that would be required in 10 Massachusetts for both midsize and large projects. 11 Overall the Administration has made 12 affordability in making the Commonwealth a more 13 hospitable place to do business and to invest and to 14 grow businesses, all of which are a top priority for 15 this Administration. These rules do the opposite of 16 these priorities. They would drive up costs and 17 make Massachusetts an outlier for the deployment of 18 broadband, while deterring competition in the 19 broadband marketplace. 20 Our neighboring states have established 21 proven pole attachment rules, and we strongly urge 22 the Departments to follow their lead in establishing 23 expedited and lower-cost attachment rules. Aligning 24 with our neighboring states will leverage Federal</p>	<p style="text-align: right;">Page 60</p> <p>1 public queue. 2 MR. BENDETSON: Because then he would 3 have to submit the first one, if it's the exact 4 same. 5 MS. PHILLIPS: If it's raised during the 6 public hearing, I would just request that when they 7 submit it with a cover documents, they can file both 8 documents. And he can identify if they were filed 9 previously. 10 MR. WILKERSON: I'm here, and yes, I 11 will do that. 12 MS. PHILLIPS: Thank you, Attorney 13 Wilkerson. 14 MR. WILKERSON: As directed. 15 MS. PHILLIPS: At this time I do not see 16 any additional hands raised, but I am going to pause 17 now just to give folks who are viewing through the 18 public link or listening in the opportunity. So if 19 anyone at this time would like to make a statement 20 or provide comments, please press the Raise Hand 21 button now, or if you're joining by phone, please 22 press star 9. I will pause and encourage folks to 23 please submit comments. We are here to listen to 24 you. We have our full Commissions here.</p>
<p style="text-align: right;">Page 59</p> <p>1 dollars to bring broadband to Massachusetts, finite 2 remaining serve locations, will foster greater 3 investment, and will spur greater competition across 4 the Commonwealth. 5 NECTA as always stands ready to play 6 whatever role is necessary to work with the agencies 7 and our fellow stakeholders to get Massachusetts 8 pole attachment rules right. 9 The NECTA team and our members are happy 10 to answer any questions, and we thank you for your 11 time and consideration of our position. 12 MS. PHILLIPS: Thank you, Attorney 13 Wilkerson. If you could please stop share. And 14 I'll reiterate, if you could please just submit 15 those for the record, within the next couple of days 16 ideally, please. Does that work? 17 MR. WILKERSON: Yes, it actually does. 18 Thank you. 19 MR. BENDETSON: Attorney Phillips, this 20 is William Bendetson. You submitted the second one 21 already. That was the same executive summary that 22 was provided with your initial comments. Right? Is 23 Attorney Wilkerson there? 24 MS. PHILLIPS: I think he's back in the</p>	<p style="text-align: right;">Page 61</p> <p>1 Seeing none, let the record reflect that 2 no additional members from the public requested to 3 be heard in this matter. For the D.T.C. and D.P.U. 4 folks, are there any further matters to address? If 5 I hear none, I'll assume no. 6 If there are no further matters, I would 7 like to thank everyone for attending and for those 8 viewing through the public link, as well as those 9 who have provided comments today. They will be 10 considered by both agencies. 11 As a reminder, written reply comments 12 may be submitted until 5:00 p.m. on Thursday, June 13 11th, 2026. Instructions for those submissions are 14 identified in the notice issued for this hearing and 15 rulemaking, both of which are available through the 16 online docket file rooms through each agency's 17 website. Again, the docket number for D.P.U. is 18 D.P.U. 26-10 and the docket number for the D.T.C. is 19 D.T.C. 26-1. 20 So thank you all again, and this public 21 hearing is now adjourned, and we are off the record. 22 (The hearing adjourned at 3:15 p.m.) 23 24</p>

REPORTER'S CERTIFICATE.

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I, Alan H. Brock, the officer before whom the foregoing proceedings were taken, do certify that this transcript is a true record of the proceedings on May 27, 2026.

Alan H. Brock, RDR, CRR

COMMENTS BY:

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