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Interpretation Subcommittee

Meeting Minutes

November 13, 2024

via Microsoft Teams meeting

The chair called the meeting to order at 12:30 P.M.

Subcommittee members present:

Ellen Dorian, Public Member(chair)
John Bagni, MAVA Member
Brendan Driscoll, Journeyman Member
Gerald Graham, Inspector of Wires Member
Paul Malagrifa, IMSA Member
Renee Dozier, Master Member (alternate)

Other members present:

David Edmonds, Dept. of Elementary and Secondary Education Designee
Carlos Caceda, Member
Elizabeth Oconnor, Member
Brian Proctor, Member

The following members of Board Staff were present:

Keith Gleason, Executive Director
Tamara Smith, Program Coordinator
Philip Chan, Board Counsel
Charles Kilb, Legal Counsel

The following public attendees were noted:

Michael Monahan, IBEW 103 Boston JATC
Bev Kennedy, Kennedy Seminars
Michael D'Amico, IBEW
Joe Walsh, IBEW 99 JATC
Jeremy Dunn, IBEW 7 Springfield JATC
Dave Keating, IBEW
Jonathan Goldberg, Keegan Werlin LLP, Eversource
Steven Barry, IBEW 223 JATC
Kristen Gowin, NECA
Jay Demelo, IBEW 103 Boston JATC

1. **Consideration** of the Minutes of the meeting October 16, 2024.

A Motion was made by J. Bagni, seconded by P. Malagrifa and it was unanimously VOTED: to approve the minutes as presented.

2. **Discussed** Board delegated correspondence from Steve McCarthy, Boston Inspectional Services

- Re: Utility work by subcontractor without easements on private property
 - The chair outlined the goals of the subcommittee:
 1. review the statutory issues related to utility licensing exemptions and jurisdictional boundaries regarding electrical work by utility companies
 2. Draft a response to the inquiry
 - Board Counsel led the discussion by a close examination of the relevant statutes firstly the Board’s authority and licensure requirements of MGL c141 § 1A and secondly enumerating the 8 licensure exempt clauses of § 7 whereby item 4 exempts “*the work of such plants or companies* [namely municipal electric plants, electric companies, gas companies authorized to make or sell electricity, electric street railway companies, electric railroad companies, railroad companies] *on premises owned or controlled by them*”. Counsel noted that the clause refers to “*the work*” having the exemption as opposed to “the employees” such as in the subsequent clause item 5 which exempts specifically: “*public employees engaged in the work of installing, maintaining or repairing public signaling systems*”. Counsel thus surmised that it would be appropriate to draw the conclusion, that the statute, by stating the two differences, infers the intention to broadly exempt the work and not the employees of said “plants or companies” in clause item 4.
 - G. Graham made note of defined phrases for Service point, premise wiring system, 90.2(A), article 100, 237 CMR 12 and point of demarcation that perhaps should be considered in the interest of public safety and consumer protection being paramount.
 - Counsel added that for the purposes of this discussion, statute takes precedent over code, regulation or policy.
 - Regarding the 1977 AG opinion response to questions posed to installing lighting on public ways and specifically one of the questions pertinent to this matter - whether the exemption at MGL 141section 7 applies to street lighting installed by public contractors or subcontractors working under contract to the department; Counsel noted that the AG did not opine regarding the question.

The chair allowed for public comments

- Jay Demelo posed the question as to whether there is any statutory precedent that determines whether the utility exemption at MGL c141 §7 is transferable to any subcontracted workers of the utility.
- Counsel stated he does not know of any precedent but reiterated that the exemption is specific to “*the work*” and not the persons who might be engaged in such work.
- Attorney Goldberg stated that through the Department of Public Utilities MGL c164 makes several provisions for oversight in inspection, installation, access and testing of meters.

In consideration of a formal recommendation to the full Board
 A Motion was made by J. Bagni, seconded by B. Driscoll and it was by a majority of the members
 VOTED: to cite MGL c141 s1A as the authority of this Board and as per MGL c141 s7 that “*the work*”
 [which includes meters] of the Utility company is exempt from such authority.
 ROLL CALL:

<u>MEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSED/ ABSTAINED</u>	<u>ABSENT</u>
J. Bagni	X			
G. Graham		X		
E. Dorian	X			
P. Malagrifa	X			
B. Driscoll	X			

3. **Discussed** other matters not reasonably anticipated 48 hours in advance of meeting. No matters presented.

4. **Adjournment**

At 2:14 P.M. J. Bagni made a motion, P. Malagrifa seconded, and it was unanimously VOTED: to adjourn.

List of Documents used at the meeting

1. Meeting agenda
2. Meeting minutes October 16, 2024
3. 1977 AG Opinion regarding Public Works
4. SJC Final Decision in the matter of Bell Atlantic vs
5. Interpretation Subcommittee report May 10, 2019
6. 2023 MEC Amendments
7. Correspondence- Steven McCarthy inquiry

