

D.T.E. 98-36

Rulemaking by the Department of Telecommunications and Energy, pursuant to G.L. c. 166, § 25A, and 220 C.M.R. §§ 2.00 et seq., to amend the regulations at 220 C.M.R. §§ 45.00 et seq. to Establish Complaint and Enforcement Procedures to Ensure that Telecommunications Carriers and Cable System Operators have Non-Discriminatory Access to Utility Poles, Ducts, Conduits, and Rights-of-Way.

NOTICE OF REQUEST FOR FURTHER WRITTEN COMMENTS ON PROPOSED
AMENDMENTS TO 220 C.M.R. §§ 45.00 et seq.

On December 9, 1998, the Department of Telecommunications and Energy ("Department") issued an Order instituting a rulemaking proceeding and promulgating proposed amendments to 220 C.M.R. §§ 45.00 et seq. to establish complaint and enforcement procedures to ensure that telecommunications carriers and cable system operators have non-discriminatory access to utility poles, ducts, conduits, and rights-of-way on rates, terms and conditions that are just and reasonable. The matter has been docketed as D.T.E. 98-36.

The Department published notice of its proposed rulemaking in the *Massachusetts Register* no. 859, on December 25, 1998. As a result, the Department received written and oral comments stating, *inter alia*, that the final rules should provide competitive telecommunications and cable companies with nondiscriminatory access to poles, ducts, conduits, and rights-of-way inside and on commercial and residential buildings. Copies of the Department's Order, proposed regulations, comments already received and of the transcript of the hearing are available for inspection at the Department's office, Monday through Friday, 8:45 AM to 5:00 PM, or from the Department's website, <http://www.magnet.state.ma.us/dpu/catalog/5676.htm>. Further written comment limited to this issue will be accepted until the close of business (5:00 PM) on September 17, 1999. Comments may not exceed ten (10) one-sided, double-spaced, type-written pages. One original and seven (7) copies of all comments must be filed with:

Mary L. Cottrell, Secretary

Department of Telecommunications and Energy

100 Cambridge Street - Room 1210

Boston, MA 02202

In addition, an electronic copy of comments must be provided, by one of two means: (a) e-mail attachment to Kimberly.Tran@state.ma.us ((617) 305-3768) using a program compatible with WordPerfect, naming the document file with a .wpd suffix and specifying in the e-mail the identity of the commenter, the case caption, and the docket number; or (b) 3.5" floppy diskette containing a file compatible with WordPerfect 5.0 or higher specifying on the diskette the identity of the commenter, the case caption, and the docket number.

Any person desiring further information regarding this Request for Further Comments should contact:

A. Quincy Vale, Hearing Officer

Department of Telecommunications and Energy

100 Cambridge Street, Room 1210

Boston, MA 02202

(617) 305-3500

By Order of the Department,

Mary L. Cottrell, Secretary