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Via E-filing and First Class Mail

October 20, 2015

Sara J. Clark, Secretary
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118-6500

**RE: Department of Telecommunications and Cable Regulation Review
Pursuant to Executive Order No. 562 to Reduce Unnecessary
Regulatory Burden – 220 C.M.R. 45.00**

Dear Secretary Clark,

Sprint submits this letter in response to the Hearing Officer's recommendation to retain the regulations found at 220 C.M.R. 45.00 in their current form. Sprint recommends that the Department of Telecommunications and Cable ("Department") clarify that the pole attachment regulations apply to wireless carriers.

Wireless attachments on utility poles benefit consumers because they allow carriers to increase signal strength, improve quality of service through elimination of dead spots and dropped calls, keep pace with the explosion of smartphones and demand for mobile broadband fueled by video and other high-capacity uses, and bring new, improved and innovative service to more people and businesses. In addition, it would be discriminatory to have the pole attachment regulations apply only to wireline services and not wireless. In 2011, the FCC confirmed that the benefits and protections of 47 U.S.C. Section 224 apply to all wireless attachments.¹ This Department should similarly confirm that the pole attachment regulations in Massachusetts apply to attachments by wireless carriers.

¹ *In the Matter of Implementation of Section 224 of the Act; A National Broadband Plan for our Future*, WC Docket No. 07-245, GN Docket No. 09-51, *Report and Order on Reconsideration*, 26 FCC Rcd. 5240, FCC 11-50 (rel. April 7, 2011).



The Department could make it clear that its Pole Attachment regulations apply to wireless carriers by adding the following language in Section 45.01 (bold and highlighted):

“220 CMR 45.00 effects legislative policy in favor of competition and consumer choice in telecommunications by providing for complaint and enforcement procedures to ensure that telecommunications carriers, ***including wireless carriers***, and cable system operators have nondiscriminatory access...”

Sprint appreciates the opportunity to submit this letter regarding the Hearing Officer’s Recommendation, and requests that the Department modify the Pole Attachment regulations consistent with these comments.

Respectfully,

A handwritten signature in cursive script that reads "Michelle Painter". The signature is written in black ink and is positioned above the printed name.

Michelle Painter

cc: Kerri DeYoung (via e-mail)