



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

NOTICE OF INQUIRY AND REQUEST FOR COMMENTS

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

January 17, 2025

Joint Notice of Inquiry by the Department of Public Utilities and the Department of Telecommunications and Cable on their own Motion to explore utility pole attachment, conduit access, double pole, and related considerations applicable to utility work conducted on public rights-of-way in the Commonwealth.

On January 17, 2025, the Department of Public Utilities and the Department of Telecommunications and Cable ("the Departments") jointly issued an Order opening an inquiry to explore utility pole attachment, conduit access, double pole, and related considerations applicable to utility work conducted on public rights-of-way ("ROWS") in the Commonwealth of Massachusetts ("Commonwealth"). The Departments share jurisdiction over utility pole, conduit access, and double pole matters pursuant to G.L. c. 164, § 34B, G.L. c. 166, § 25A, the agencies' pole attachment, duct, conduit, and ROW complaint and enforcement regulations, 220 CMR 45.00 *et seq.*, and a Memorandum of Agreement ("MOA") entered into by the agencies to facilitate shared jurisdiction. The Departments request comment and data from a broad range of stakeholders, with particular data and input from, among others: (1) the state's investor-owned electric distribution companies ("EDCs"), NSTAR Electric Company d/b/a Eversource Energy ("NSTAR Electric"), Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid ("National Grid"), and Fitchburg Gas and Electric Light Company d/b/a Unitil ("Unitil"); (2) the statewide traditional telephone provider, Verizon New England, Inc. d/b/a Verizon Massachusetts ("Verizon"); (3) municipal light plants; and (4) state and local entities and officials that manage public ROWs. The Departments docketed this inquiry as D.P.U. 25-10/D.T.C. 25-1.

Over the next several years, substantial electric distribution infrastructure investments are planned, in part, to facilitate the clean energy transition in the Commonwealth, including the deployment of ROW and pole-mounted electric vehicle supply equipment ("EVSE"). Simultaneously, broadband infrastructure expansion and upgrades are also planned throughout the state. Both sets of investments will require timely access and upgrades to a multitude of utility poles and underground ducts and conduit owned primarily by NSTAR Electric, National Grid, Unitil, Verizon, and various municipal light plants. A substantial majority of the utility poles are jointly owned between the EDCs and Verizon. These utility poles and underground ducts and conduit are generally located on and under public ROWs. Utility pole and conduit work conducted on public ROWs in the Commonwealth must comply with various requirements,

including the National Electric Safety Code and requirements established by the Massachusetts Department of Transportation and local cities and towns.

The Departments seek comprehensive comment, input, and data from a broad range of stakeholders on multiple considerations, including: (1) data from existing utility pole and conduit owners on numbers of existing utility poles and non-electric attachment types, the current pole attachment and conduit access rates charged, and whether they anticipate increases to the number of double poles and conduit work to accommodate future broadband, electric distribution, and pole-mounted EVSE projects over the next several years; (2) input and data from existing pole and conduit owners, state and local officials, and other interested parties on processes and requirements applicable to utility pole and conduit work conducted on public ROWs and prioritization of projects on ROWs; (3) how routine and clean energy projects and broadband deployment projects requiring utility pole work and/or conduit access may be better coordinated between pole owners and attachers, among others; (4) how existing pole attachment and conduit access processes, including application, survey, make-ready, and complaint processes, may be streamlined or informed by processes applicable in states where the Federal Communication Commission's ("FCC's") regulations on these issues apply to telecommunications and cable attachments; (5) unique characteristics specific to the Commonwealth that should be considered if the Departments seek to adapt the FCC's pole attachment regulations to meet local needs; (6) whether and, if so, how updates should be made to the Massachusetts Formula currently only applicable to the rates charged for telecommunications and cable attachments to utility poles and conduit access; (7) data that parties recommend the Departments should include on our websites and whether and, if so, how a public database involving pole and conduit data should be implemented; (8) revisions to dispute resolution processes before the agencies and corresponding revisions to the agencies' MOA; and (9) considerations that would facilitate the deployment of ROW or pole-mounted EVSE throughout the Commonwealth and inform plan filings with the Department of Public Utilities in accordance with An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers, St. 2024, c. 239, § 134.

Based on the comments and data received in response to this inquiry, the Departments intend to open a rulemaking in a separate proceeding to update 220 CMR 45.00 *et seq.* These regulations apply to all utility pole, duct, and conduit owners in the Commonwealth. See also G.L. c. 166, § 25A. Additionally, comments and data received may inform the need for further action by the agencies. The Departments direct NSTAR Electric, National Grid, Unitil, and Verizon to participate in the current matter and to provide data relating to these issues. These four entities shall notify the Departments by **Tuesday, February 18, 2025**, of the individuals for inclusion on the electronic distribution list to be established for this matter, limited to legal counsel and named support staff. To the extent any other entity would like to be included on the electronic distribution list to be established, please jointly notify Kerri DeYoung Phillips and Scott Seigal, Hearing Officers, Department of Public Utilities, and William Bendetson, Hearing Officer, Department of Telecommunications and Cable, via e-mail at kerri.phillips@mass.gov, scott.seigal@mass.gov, and William.bendetson@mass.gov, respectively, no later than close of business on **Tuesday, February 18, 2025**. To be included on the electronic distribution list, the request must include the following information: (1) the docket number of the proceeding

(D.P.U. 25-10/D.T.C. 25-1); (2) name and organization represented, if any; (3) address; (4) telephone number; and (5) e-mail address.

The Departments otherwise invite comments and data from a broad range of stakeholders. The Departments will accept written comments and data on this matter – including comments and data on the questions contained in the Order – until the close of business (5:00 p.m.) on **Tuesday, March 18, 2025**. The Departments encourage interested persons to present consensus positions and submit comments jointly when possible. The Departments will conduct one or more technical sessions with utility pole and conduit owners and other parties on topics to be determined based on the comments received on these issues. The Departments will schedule the technical session(s) at a later date. Additionally, the Departments will establish a reply comment deadline to occur after the initial technical session in due course.

All comments and attachments should be submitted in electronic format by e-mail attachment jointly to the Department of Public Utilities at dpufiling@mass.gov, kerri.phillips@mass.gov, and scott.seigal@mass.gov, and to the Department of Telecommunications and Cable at dtefiling@mass.gov and william.bendetson@mass.gov. As a joint proceeding, comments and attachments should not be submitted separately by an entity to each Department. The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 25-10/D.T.C. 25-1); (2) the name of the person or entity submitting the filing; and (3) indicate that the document is a written comment. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. For comments and any attachments, the electronic file name for each document should identify the document but **should not exceed 50 characters in length**. Importantly, all large files submitted must be broken down into electronic files that **do not exceed 20 MB**. **To facilitate transparency, commenters should not submit confidential materials in this matter.** Attachments should be marked for identification on each page in the upper right-hand corner in the format identified in the Order opening this inquiry and should otherwise comply with the instructions included in the Order.

All documents submitted in electronic format will be posted on each agency's website as soon as practicable. The Department of Public Utilities will post docket materials on its website at <https://eeaonline.eea.state.ma.us/DPU/Fileroom/> (enter "25-10"). The Department of Telecommunications and Cable will post docket materials on its website at <https://services.oca.mass.gov/dtc/frmReleasedCalendar.aspx> (enter "25-1"). Please note that in the interest of transparency, any comments will be posted to each agency's website as received and without redacting personal information, such as addresses, telephone numbers, or e-mail addresses. As such, consider the extent of information you wish to share when submitting comments. The Department strongly encourages comments from members of the public to be submitted by e-mail. If, however, a member of the public is unable to send written comments by e-mail, a paper copy may be sent to Mark D. Marini, Secretary, Department of Public Utilities, One South Station, 3rd Floor, Boston, Massachusetts, 02110, and to Shonda Green, Secretary, Department of Telecommunications and Cable, 1000 Washington Street, Suite 600, Boston, Massachusetts, 02118.

The Order and all subsequent related documents submitted to the Departments or issued by the Departments will be available on each agency's websites as referenced above as soon as is practicable. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), please contact the Department of Public Utilities' ADA coordinator, Melixza Esenyie, at eeadiversity@mass.gov or (617) 626-1282.

For further information regarding this Notice, please contact Kerri DeYoung Phillips and Scott Seigal, Hearing Officers, Department of Public Utilities, via e-mail at kerri.phillips@mass.gov and scott.seigal@mass.gov, and William Bendetson, Hearing Officer, Department of Telecommunications and Cable, via e-mail william.bendetson@mass.gov.