HOUSE DOCKET, NO. 3315 FILED ON: 1/21/2011

HOUSE . . . . . No. 3057

The Commonwealth of Massachusetts

PRESENTED BY:

Jonathan Hecht

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to double poles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jonathan Hecht	*29th Middlesex*
Kate Hogan	*3rd Middlesex*
Denise Provost	*27th Middlesex*
William N. Brownsberger	☐ *[District]* ☐
Thomas M. Stanley	*9th Middlesex*
Jason M. Lewis	*31st Middlesex*
Stephen L. DiNatale	*3rd Worcester*
Lori A. Ehrlich	*8th Essex*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*

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By Mr. Hecht of Watertown, a petition (accompanied by bill, House, No. 3057) of Jonathan Hecht and others that the Department of Public Utilities and the Department of Telecommunications and Cable hold a public hearing and issue a report relative to reducing the number of double poles. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

An Act relative to double poles.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding any general or special law to the contrary, within 180 days of the effective date of this act, the department of public utilities and the department of telecommunications and cable shall jointly hold a public hearing and issue a report relative to reducing the number of double poles in the commonwealth pursuant to section 34B of chapter 164 of the General Laws.

The report shall provide an assessment of progress made in reducing the number of double poles in the commonwealth, including so-called "chunks," since the issuance of the report of the Department on Telecommunications and Energy relative to reducing the number of double utility poles within the commonwealth (D.T.E. Docket No. 03-87). Such assessment shall include data, by municipality, on the removal of double poles installed before January 31, 2004, the removal of double poles installed after January 31, 2004, and double poles remaining to be removed. With respect to each double pole remaining to be removed, the data shall include the date of its installation and the pole owner.

In addition, the report shall analyze possible measures to improve and accelerate the removal of double poles in the commonwealth. Such analysis shall include, but not be limited to, the following measures:

(1) measures to ensure the comprehensiveness, accuracy, and timeliness of the information contained in the Pole Lifecycle Management ("PLM") system

(2) measures to ensure access to the information contained in the PLM system by all pole users, including municipalities

21 (3) providing semi-annual reports to each municipality listing all double poles in their
22 municipality, their location and/or pole number, the date of installation, and the pole user
23 currently identified by the PLM system as “first in line” to remove its wires and other equipment

24 (4) mandating meetings of pole owners and municipalities, to take place in and at the
25 initiative of the municipalities, to discuss the status, scheduling, and prioritization of double pole
26 removals

27 (5) securing an enforceable commitment from pole owners to remove by a date certain
28 their existing backlog of double poles and to devote adequate personnel and resources to ensure
29 that all new double poles are removed no more than one year after installation.

30 (6) authorizing municipalities to impose fines on pole owners that do not respond within
31 30 days to a formal demand by a municipality to remove a double pole installed for more than
32 one year

33 (7) authorizing municipalities to impose fines on pole owners that do not respond within
34 30 days to a formal demand by a municipality to move a pole to meet a construction schedule on
35 a public way

36 On the basis of the findings in its report, the department of public utilities and department
37 of telecommunications and cable shall jointly report to the Joint Committee on
38 Telecommunications, Utilities and Energy and the Joint Committee on Municipalities and
39 Regional Government their recommendations to reduce the number of double poles in the
40 commonwealth, including proposed legislation to enforce section 34B of Chapter 164 of the
41 General Laws and any other legislation or regulatory measures.