HOUSE DOCKET, NO. 599 FILED ON: 1/18/2011

HOUSE . . . . . No. 886

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. Stanley

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 the failure to remove existing poles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas M. Stanley	*9th Middlesex*
James J. Dwyer	*30th Middlesex*
Sean Garballey	*23rd Middlesex*
Jay R. Kaufman	*15th Middlesex*
Steven L. Levy	*4th Middlesex*
Marc T. Lombardo	*22nd Middlesex*

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By Mr. Stanley of Waltham, a petition (accompanied by bill, House, No. 886) of Thomas M. Stanley and others relative to the removal and installation of utility poles. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

An Act relative to the failure to remove existing poles.

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

SECTION 1. Chapter 164 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out section 34B, and inserting in place thereof the following new section:-

Section 34B. (a) A distribution company or telephone company engaging in the removal of an existing pole and the installation of a new pole in place thereof that does not complete the transfer of wires, all repairs, and the removal of the existing pole from the site within 180 days from the date of the installation of the new pole shall pay a fine to the municipality where the pole is located of $25 per day for the first 30 days following the expiration of the said 180 days; $50 per day for the following 30 days thereafter; $100 per day for the following 305 days thereafter; and $250 per day for the following days thereafter until the existing pole is removed; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than 1 year, said company shall be required to remove such pole within 12 months from the date of installation of the new pole.

(b) The owner of such pole shall notify all other users of the starting date of such removal and installation work at least 72 hours prior to the commencement of such work. Said owner may impose a fine upon the user who has not removed their wiring and other attachments when said failure to remove is responsible for the immediate delay in the removal of the existing pole.

(c) A pole owner or user may petition the department or the department of telecommunications and cable for relief or exemption from any fines. Any fine imposed under this section shall not be recoverable through rates without approval by the department or the department of telecommunications and cable.

22 SECTION 2. Not later than January 1, 2011, the department of public utilities, in
23 consultation with the department of telecommunications and cable, shall adopt regulations for
24 the implementation of section 34B of chapter 164 of the General Law s.