HOUSE DOCKET, NO. 2966 FILED ON: 1/21/2011

HOUSE . . . . . No. 2609

The Commonwealth of Massachusetts

PRESENTED BY:

Tackey Chan

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 adoption of the accompanying bill:

An Act relative to double poles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Tackey Chan	*2nd Norfolk*
Bruce J. Ayers	*1st Norfolk*
Rhonda Nyman	*5th Plymouth*

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HOUSE . . . . . No. 2609

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 2609) of Tackey Chan, Bruce J. Ayers and Rhonda Nyman relative to the use of double utility poles of distribution or telephone companies. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

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 $10 per day for the first 30 days following the expiration of the said 180 days; $20 per day for the following 30 days thereafter; $30 per day for the following 305 days thereafter; and $100 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.

14 (b) The owner of such pole shall notify all other users of the starting date of such removal
15 and installation work at least 72 hours prior to the commencement of such work. Said owner
16 may impose a fine upon the user who has not removed their wiring and other attachments when
17 said failure to remove is responsible for the immediate delay in the removal of the existing pole.
18 No fine shall be imposed when a the failure of a city or town to remove its police or fire alarm
19 circuits or any similar municipal equipment is the cause of the immediate delay and no other
20 work could be performed.

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

25 SECTION 2. Section 22D of chapter 166 of the General Laws, as so appearing, is hereby
26 amended by inserting after the word "fine" in line 18 the following:- imposed by the
27 municipality having jurisdiction in the area where work is to be performed

28

29 SECTION 3. Section 22K of said chapter 166 is hereby amended by adding at the end
30 thereof the following:- only with notification to the selectmen, councilors, aldermen or
31 overseeing committee having jurisdiction within the city or town where the delay to work is
32 being performed.

33 SECTION 4. Not later than January 1, 2013, the department of public utilities, in
34 consultation with the department of telecommunications and cable, shall adopt regulations for
35 the implementation of section 34B of chapter 164 of the General Laws.