

**HOUSE . . . . . No. 3057**

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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 adoption of the accompanying bill:

An Act relative to double poles.

PETITION OF:

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

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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.

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The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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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:*

1 Notwithstanding any general or special law to the contrary, within 180 days of the  
2 effective date of this act, the department of public utilities and the department of  
3 telecommunications and cable shall jointly hold a public hearing and issue a report relative to  
4 reducing the number of double poles in the commonwealth pursuant to section 34B of chapter  
5 164 of the General Laws.

6 The report shall provide an assessment of progress made in reducing the number of  
7 double poles in the commonwealth, including so-called “chunks,” since the issuance of the report  
8 of the Department on Telecommunications and Energy relative to reducing the number of double  
9 utility poles within the commonwealth (D.T.E. Docket No. 03-87). Such assessment shall  
10 include data, by municipality, on the removal of double poles installed before January 31, 2004,  
11 the removal of double poles installed after January 31, 2004, and double poles remaining to be

12 removed. With respect to each double pole remaining to be removed, the data shall include the  
13 date of its installation and the pole owner.

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

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

19 (2) measures to ensure access to the information contained in the PLM system by all pole  
20 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.