

## **JOINT COMMITTEE ON TELECOMMUNICATIONS, UTILITIES, AND ENERGY**

### **BILL SUMMARY**

**BILL NO.** H.3478

**TITLE:** An Act to streamline broadband permitting and ensure equitable access to infrastructure

**SPONSOR:** Representative Kip A Diggs

**COMMITTEE:** Telecommunications, Utilities, and Energy

**HEARING DATE:** May 6, 2025

**PRIOR HISTORY:** New bill

#### **CURRENT LAW:**

Chapter 166 of the General Laws pertains to telephone and telegraph companies, and lines for the transmission of electricity.

#### **SUMMARY:**

Proposes to add a new section to Chapter 166 of the General Laws, Section 25C\*, for the purpose of accelerating broadband deployment across the Commonwealth, ensuring fair and equitable access to critical infrastructure, prioritizing open access network models, and establishing best practices for efficient permitting and construction processes. The provisions of this Act shall take effect 90 days after enactment.

Subsection (b) of the act provides definitions for the following terms: broadband infrastructure, broadband provider, covered infrastructure, legacy right-of-way agreement, and open access network.

Subsection (c) of the act refers to open access networks. It directs the state to prioritize investment in and deployment of open access networks to ensure broadband infrastructure can support multiple service providers on fair and equitable terms. It also requires any state or municipal funding provided for broadband projects to require the recipient to implement an open access model for newly constructed infrastructure. Additionally, this subsection requires public or non-profit broadband providers operating in open access networks to receive priority consideration for state funding and access to covered infrastructure.

Subsection (d) pertains to non-discriminatory access to covered infrastructure. The subsection requires all owners of covered infrastructure (including municipalities, private utilities, and telecom companies) to grant broadband providers fair and timely access for the installation, maintenance, and operation of broadband infrastructure. Requests for access must be accepted or denied within 30 days of submission and the fees charged for access to covered infrastructure must be cost-based and transparent.

Subsection (e) deals with streamlined permitting and requires state and municipal permitting authorities to process all broadband infrastructure permit applications within 45 days for standard projects and 30 days for underserved or historic districts. It also directs the state to develop and adopt a standardized permitting process.

Subsection (f) requires pole owners to adopt one-touch make-ready (OTMR) procedures that must comply with NESC and state safety regulations and requires the DTC to establish a publicly accessible registry of qualified contractors authorized to perform OTMR work.

Subsection (g) requires municipalities and state agencies to adopt a “Dig Once” policy which mandates the inclusion of empty conduits during all significant excavation projects to facilitate future broadband deployment and requires broadband providers to be notified no fewer than 90 days of a planned excavation project.

Subsection (h) directs the DTC to oversee the enforcement of this section and impose fines for non-compliance, up to \$25,000 per day and allows a broadband provider who was denied access or facing unreasonable permitting delays to appeal to the DTC, who shall resolve the matter within 30 days.

Subsection (i) directs the DTC to submit an annual report to the General Court that details the deployment progress of broadband infrastructure (particularly in underserved areas and economic development zones) and the progress in implementing open access networks statewide.

\*Note: Chapter 166 of the General Laws does not have a Section 25B as of the writing of this summary.