

JOINT COMMITTEE ON TELECOMMUNICATIONS, UTILITIES, AND ENERGY

BILL SUMMARY

BILL NO. H.3487 (Senate Companion S.2315)

TITLE: An Act establishing a special commission to investigate double utility poles

SPONSOR: Representative Carole A. Fiola

COMMITTEE: Telecommunications, Utilities, and Energy

HEARING DATE: June 4, 2025

PRIOR HISTORY: New bill

CURRENT LAW:

47 U.S.C. § 224 – Under federal law, the rates, terms, and conditions for pole attachments by cable television and telco providers are subject to regulation by the FCC, except where a state (such as Massachusetts) has certified that it has issued and made effective rules and regulations over those matters. G.L. c. 166, § 25A – Vests authority to the DTE (DPU and the DTC were previously a single agency known as the Department of Telecommunications and Energy (DTE), which was dissolved in 2007 pursuant to Chapter 19 of the Acts of 2007) to regulate the rate, terms, and conditions applicable to attachments and conduit access; provision expressly applies to a broad range of utility pole owners 220 CMR 45.00 et seq. – DPU/DTC shared regulations over pole attachment, duct, conduit, and ROW complaint and enforcement procedures

SUMMARY:

This bill would establish a special commission to investigate and study the use of “double poles.” The commission would:

- Identify how many double poles exist and the length of time each has been in place,
- The reason why such double poles have been in place for such time, and
- The process and timeline by which existing utility poles are removed following the transfer of attached services to a new pole.

The commission would also make recommendations on:

- How best to enforce Section 34B of Chapter 164 concerning the timely removal of double poles,
- Investigate whether the current timeline for removing such poles is reasonable and adequate,
- Investigate how to address barriers to remove such poles,
- Investigate increasing utilization, improving functionality of attachment management systems (e.g., the National Joint Utilities Notification System (NJUNS), and identifying solutions to resolve communication issues among all parties,

- Unlicensed attachments on utility poles and requirements that providers promptly register such attachments,
- The legal liability and potential use of indemnification agreements to facilitate the removal of abandoned attachments,
- Whether or not certain costs may be recovered from ratepayers, and the promulgation of regulations by the Department of Public Utilities and Department of Telecommunications and Cable to effectively regulate double utility poles.

The commission would consist of 17 members: 1 of whom shall be the secretary of administration and finance, or the secretary's designee; 1 of whom shall be the chair of the department of public utilities, or the chair's designee; 1 of whom shall be the commissioner of the department of telecommunications and cable, or the commissioner's designee; 1 of whom shall be a representative of a municipal light board of commissioners or their designee; the house and senate chairs of the joint committee on municipalities and regional government; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be appointed by the minority leader; 3 municipal officials selected by the governor, 1 utility pole owner; 1 utility pole attacher; the executive director of the Massachusetts Municipal Association or their designee; and 1 private citizen, appointed by the governor, who shall serve as chair of the commission and shall not be an employee of any electric or telecommunications utility operating in the commonwealth.

The commission would file a report of its recommendations and proposed legislation, if any, with the clerks of the house and senate, the chairs of the house and senate committee on ways and means and the chairs of the joint committee on municipalities and regional government not later than June 30, 2026.