

JOINT COMMITTEE ON TELECOMMUNICATIONS, UTILITIES, AND ENERGY

BILL SUMMARY

BILL NO. H.3546

TITLE: An Act to establish standards for the pole attachment process to facilitate the construction of broadband networks

SPONSOR: Representative Angelo J. Puppolo, Jr. (*Springfield*)

COMMITTEE: Telecommunications, Utilities, and Energy

HEARING DATE: May 6, 2025

PRIOR HISTORY: 2023-2024: referred to TUE; Favorable to HWM

CURRENT LAW:

Section 25A of Chapter 166 of the General Laws pertains to attachments to poles and telegraph or telephone ducts or conduits that are partially or wholly owned by utility companies. This statute prohibits attachments to poles, towers, piers, abutments, conduits, manholes, and other necessary fixtures without the consent of a utility.

SUMMARY:

Section 1 permits pole attachments without the utility's consent pursuant to Section 25B of Ch.166, "One Touch Make-Ready Applications", as inserted by this bill, or pursuant to DPU order or regulation.

Section 2 adds new Section 25B, "One Touch Make-Ready Applications" to ch.166
Subsection (a) establishes definitions for Section 25B, including but not limited to:

- "Communications space" - the portion of a utility pole starting with the lowest point above the ground that a communications wire can be safely attached to a pole upwards to the bottom of the communications worker safety zone, which is a 40 inch vertical space on a pole between the lower communications circuitry and the higher electric conductors.
- "Complex make-ready" - make-ready work done above the communications space; work within the communications space likely to cause a service outage or facility damage, including splicing or relocation; and pole replacement.
- "Make-ready work" -- the modification or replacement of a utility pole or lines or equipment on a pole to attach additional facilities to the pole.
- "Simple make-ready" - make-ready work where existing pole attachments can be transferred without any reasonable expectation of service outage or facility damage. Does not apply to attachments made above the communications space.

Subsection (b) pertains to contractors authorized by utilities to perform surveys and make-ready work in the communications space on a pole. Utilities are authorized to compile and make available a list of contractors, and requesting third parties may submit new contractors to be added to the list, which a utility may not unreasonably deny. If no such list is created, or if no contractor on the list is available within a reasonable timeframe, a requesting party may choose its own contractor. All contractors, whether compiled by the utility or submitted or chosen by a requesting party, must meet safety requirements as outlined in this subsection. A utility may disqualify a contractor chosen by a requesting party but must do so based on reasonable safety or reliability concerns.

Subsection (c) outlines the requirement for the "One Touch Make-Ready Application Process."

Clause (1) One Touch Make-Ready Option for Simple Make-Ready. A pole-owner must review a simple make-ready application within 10 business days for completeness. If a pole-owner does not review an application within 10 days, or rejects an application as incomplete without providing specific reasons, the application shall be deemed complete. After reviewing the application for completeness, the pole-owner must review an application on its merits within 30 days. A pole-owner may provide specific objections in writing to an application's determination of make-ready work as simple, at which point it will be deemed complex make-ready work.

Clause (2) Surveys. Stipulates that a requesting party is responsible for all surveys for the One Touch Make-Ready Process and shall make commercially reasonable efforts to notify a pole owner and impacted attaching entities to allow them to be present for a field inspection conducted as part of the survey work.

Clause (3) Make-Ready. A requesting party may proceed with made-ready work with an appropriately trained and licensed contractor upon approval of an attachment application by the pole owner, provided the requesting party has given 15 days of written notice prior to the work. If any make-ready work causes an outage or damages facilities, a requesting party must immediately notify the pole owner or affected attaching entity. The pole owner or affected attached entity can make repairs or require the requesting party to make repairs at its own expense. If either the requesting party, pole owner, or affected attaching entity determines the simple make-ready work is actually complex make-ready work, the work shall be immediately halted, notification to the other parties shall be given, and the affected make-ready work shall be completed as soon as reasonably practicable.

Clause (4) Post Make-Ready Timeline. A requesting party must notify the pole owner and affected attaching entities within 15 days of completed make-ready work, and provide said parties 90 calendar days to inspect the work, and an additional 14 days to notify the requesting party about any damage or violation resulting from the work. The pole owner or affected attached entity can perform remedial work or require the requesting party to perform the remedial work at its own expense.