

HOUSE No. 03057

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 passage 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>24th Middlesex</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 Provost 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
Joint Committee on 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:

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

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

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

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

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

18 (2) measures to ensure access to the information contained in the PLM system by all pole users,
19 including municipalities

20 (3) providing semi-annual reports to each municipality listing all double poles in their
21 municipality, their location and/or pole number, the date of installation, and the pole user
22 currently identified by the PLM system as “first in line” to remove its wires and other equipment

23 (4) mandating meetings of pole owners and municipalities, to take place in and at the initiative of
24 the municipalities, to discuss the status, scheduling, and prioritization of double pole removals

25 (5) securing an enforceable commitment from pole owners to remove by a date certain their
26 existing backlog of double poles and to devote adequate personnel and resources to ensure that
27 all new double poles are removed no more than one year after installation.

28 (6) authorizing municipalities to impose fines on pole owners that do not respond within 30 days
29 to a formal demand by a municipality to remove a double pole installed for more than one year

30 (7) authorizing municipalities to impose fines on pole owners that do not respond within 30 days
31 to a formal demand by a municipality to move a pole to meet a construction schedule on a public
32 way

33 On the basis of the findings in its report, the department of public utilities and department of
34 telecommunications and cable shall jointly report to the Joint Committee on
35 Telecommunications, Utilities and Energy and the Joint Committee on Municipalities and
36 Regional Government their recommendations to reduce the number of double poles in the
37 commonwealth, including proposed legislation to enforce section 34B of Chapter 164 of the
38 General Laws and any other legislation or regulatory measures.