



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

NOTICE OF PUBLIC HEARING AND REQUEST FOR COMMENTS

D.T.E. 03-87

September 10, 2003

Report of the Department of Telecommunications and Energy relative to reducing the number of double utility poles within the Commonwealth, pursuant to Chapter 46 of the Acts of 2003, Section 110.

On July 31, 2003, Chapter 46 of the Acts of 2003 was enacted. Section 110 of this act requires the Department of Telecommunications and Energy ("Department") to issue a report, by November 28, 2003, to the committees on ways and means and the joint committee on government regulations, relative to reducing the number of double utility poles within the Commonwealth ("Section 110"). The report must include (1) Department recommendations and proposed legislation for the enforcement of G.L. c. 164, § 34B (utility companies required to remove old pole within 90 days of the installation of the new pole), including penalties and waivers, and (2) an analysis of whether local enforcement by ordinance or by-law is preferable to statewide enforcement of G.L. c. 164, § 34B.

The Department will conduct a public hearing to receive comments on the report required by Section 110. The hearing will take place on **Tuesday, September 30, 2003**, at 11:00 a.m. at the Department's offices, One South Station - 2nd Floor, Boston, Massachusetts 02110. Following the public hearing, the Department will conduct a technical conference with all interested persons. Each telephone and electric company subject to G.L. c. 159 or 164 authority, will present information by municipality, concerning the number of double poles it owns or sets, and concerning their policies and practices to reduce, and to prevent accumulation of, double poles subject to their control. Also, companies participating in the electronic notification system for double-pole inventorying and removal will report on the status and functioning of that system. Any person who desires to comment may do so at the time and place noted above or submit written comments to the Department not later than the close of business (5:00 p.m.) on **Thursday, October 9, 2003**. Comments must not be longer than 25 pages (including attachments), and must include an executive summary. An original and four (4) copies of all written comments must be filed with Mary L. Cottrell, Secretary to the Department of Telecommunications and Energy, One South Station - 2nd Floor, Boston, Massachusetts, 02110.

All written comments also should be submitted to the Department in electronic format. Electronic submissions should be made using one of the following methods: (1) by e-mail attachment to dte.efiling@state.ma.us and william.stevens@state.ma.us; or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify (1) the docket

number of the proceeding (D.T.E. 03-87), (2) the name of the person or company submitting the filing, and (3) a brief descriptive title of the document. The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either Word Perfect (naming the document with a ".wpd" suffix), in Microsoft Word (naming the document with a ".doc" suffix), or as an Adobe PDF file (naming the document with a ".pdf" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. All written pleadings or comments submitted in electronic format will be posted on the Department's website, <http://www.mass.gov/dpu>.

Any person desiring further information regarding this notice should contact William H. Stevens, Jr., Hearing Officer, Department of Telecommunications and Energy, at (617) 305-3620.

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Communication #1

A communication was received from Department of Telecommunications and Energy, regarding notice of a public hearing on September 30, 2003 at 11:00 am relative to reducing the number of double utility poles within the Commonwealth, pursuant to Chapter 46 of the Acts of 2003, Section 110.

In City Council October 20, 2003

REFERRED TO CITY MANAGER