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April 15, 2008

**REPORT OF THE COMMITTEES ON PUBLIC UTILITIES AND PUBLIC WORKS
AND LICENSES AND PERMITS**

The Committee on Public Utilities and Public Works convened in Joint Session with the Committee on Licenses and Permits on April 15, 2008, with Chairmen John Connolly and Bruce Desmond presiding and Committee Members Aldermen Maryann Heuston and Robert Trane also present and voting. Also present were William Zamparelli from NSTAR, Kosta Jouvanovic, Jacob Warner, Tony Adams and Peter Heimdahl from NextG Networks and several residents and business owners from Union Square.

Power Outages in Union Square:

Alderman Heuston stated that the Union Square area has experienced numerous power surges and outages, from 3 to 10 hours, over the past several years and explained that many businesses in the area are suffering due to a loss of business and, in some cases, a loss of perishable goods. Alderman Heuston wants to separate these outages from those connected to the reconstruction of Somerville Ave. and wants NSTAR to address the situation to determine why this is happening so often and to ultimately rectify the problem.

Ben Dryer & Karen Coughlin, proprietors of Sherman Café, 257 Washington Street, told the members that since October 2004, their business lost power at least 12 times. This past January, they experienced 5 outages, ranging from 1 to 6 hours in duration. Several buildings in the area are being affected and businesses are being forced to turn away customers, while continuing to pay employees in case the power returns. Mr. Dryer estimates that each outage costs his business \$1,000 in lost sales and paid wages. Also adding to the problem is the loss of the traffic signals during these outages, causing chaotic traffic jams in the square, with teachers sometimes directing traffic to assist the children being dismissed from school.

Brad Rogers from the Fred Villare Self Defense Studios, 54 Union Sq., said that his business experienced at least 5 outages this past January, knocking out the cordless phone system, and he estimates that each lost call could be a potential customer.

Mimi Graney from Union Sq. Main Streets, said that the problem has been ongoing since the early 1990's and that there have been some significant outages. The most recent outage was last Friday, (April 4th), although that one lasted only 15 minutes. The community is tired of being told that the problems have been solved, since clearly, they haven't been.

Mr. Zamparelli told the members that NSTAR is working on a number of issues in Union Square including a new conduit path. NSTAR has a database of outages and has information regarding upgrades that have been done and Mr. Zamparelli said that he would share that information with the members, to the extent possible.

Chairman Desmond stated that it seems that NSTAR waits for a problem to happen before it takes any action and that regular preventive maintenance is not being done. Alderman Heuston requested that technical personnel from NSTAR, along with the personnel responsible for making decisions regarding this situation, attend the next meeting to explain the situation and that NSTAR also provide a list of the outages reported, the actions taken regarding those outages and details of any long term plans to prevent future problems. Chairman Desmond requested that a representative from NSTAR's administrative group also attend to address the issue of filing claims for sustained losses.

Chairman Connolly asked the Clerk of Committees to send a communication to SomerStat and Constituent Services (311) requesting that all available data on outages over the last 2 years in Union Square be forwarded directly to Mr. Zamparelli at NSTAR. Chairman Connolly stated that the record will be left open until April 25th to receive written testimony and he asked that any submissions be as specific as possible, referencing the dates, times and addresses of the outages. Information received by the committees will be forwarded to Mr. Zamparelli and Chairman Connolly asked that NSTAR begin to prepare a response so that answers might be available for a further meeting in early May.

Grant of Location – NextG Networks:

NextG Networks is a regulated, facilities-based carrier's carrier that designs and installs fiber-optic based networks to improve wireless coverage and capacity by transporting wireless signals through a distributed antenna system (DAS) without installing towers or traditional cell sites. NextG is a "wireline telephone company" that has wireless carriers as its clients. The petition involves installing a total of 16 segments in Wards 1, 2, 3 and 4, comprising 3363 feet of conduit (fiber) below ground and utilizing approximately 560 utility poles for the attachment of 9 miles of fiber above ground, with an estimated construction period of 30 days.

NextG representatives gave a presentation describing the scope of the project and provided sample underground drawings, trench engineering details, locations of new underground conduits, a summary and detail of node equipment, an example of a typical antenna installation, a schematic of equipment mounting and a summary of an RF emission study. Representatives told the members that the equipment enclosures have been reduced from 7 feet to 5 feet for the Somerville installations and that none of the enclosures would contain electric meters. Mr. Adams explained that if any of the poles being utilized by NextG is not in compliance with applicable codes, NextG would be responsible to correct the defect(s) before installing any of its equipment on said pole. Mr. Adams further stated that NextG has done a walk through and physically examined and documented each pole to be used. Mr. Jouvanovic stated that benefits to the community would include improving the utility pole situation, supporting the city's 311 program and providing annual support to a community based organization. Alderman Heuston pointed out that the stated community benefits are as much for NextG as they are for the city.

Mr. Heimdahl told the members that NextG provides the same sort of service and, according to MGL chapter 166 and section 253 of Federal Telephone Act, has same rights to provide service as any telephone company, stating that utility poles are for power communication. He further stated that NextG is trying to work with the community and feels that there is a lack of cooperation, noting that NextG submitted its

application on Sept. 11, 2007 and is still waiting for approval. He also informed the members that his company is backed up against a client obligation to get the network up and running by the 3rd quarter of 2008. Chairman Desmond noted that local governments have the authority to regulate the installation of telecommunication equipment.

NextG owns all of the equipment that would be installed except for the radio transmitters. Maintenance is electronically monitored 24 hours per day and a qualified contractor is sent to any problematic site within 4 hours to make repairs. The equipment is solid state and very reliable. NextG will install it's own 8 foot grounds as a safety precaution.

NextG has been approved in Everett, Malden, Chelsea, East Boston and Saugus. (Everett originally denied NextG's petition without substantiation, prompting a lawsuit by NextG, which has since been withdrawn, subsequent to Everett's reversal of the decision).

PUBLIC COMMENT:

Michael Faliero told the members that the constant presence of utility trucks on the street, accessing poles, is causing a stressful situation in the neighborhood. Mr. Faliero stated that he would not be opposed to the petition if the work is performed quickly.

Salim Hart stated that correcting the double pole problem would be beneficial but he expressed concern regarding the amount of equipment being installed and with what happen to the equipment on the pole if at some future time, wires are placed under ground.

Mimi Graney told the members that cable companies are finding cheap ways to carry signals and that the donation to the community based organization falls short of the 5% return of gross revenues provided by cable companies.

Charlyn Hart asked what effect this project would have on property values and asked if the equipment would be removed if at some point it would no longer be needed.

The committee requested that NextG provide available failure/problem data to the committee. Chairman Desmond requested that the City Solicitor, DPW Commissioner, Superintendent of Light and Lines, a representative of the Mayor's Office and an engineer from NSTAR be available at the next scheduled meeting. Alderman Heuston requested a list of all poles, (of the 560 being utilized), that need remediation and what actions needs to be taken to make them suitable for NextG's use. Chairman Connolly asked that all of the requested information be available and forwarded to the committees by April 25th. Chairman Connolly also requested that the Clerk of Committees contact the cities of Everett, Malden, Chelsea, East Boston and Saugus to request information on NextG's performance/experiences.

No papers were acted on.

Alderman John M. Connolly, Chairman
Committee on Public Utilities and Public Works

Alderman Bruce M. Desmond, Chairman
Committee on Licenses and Permits

COMMITTEE REPORT

Report of the Committee on Public Utilities and
Public Works, April 15, 2008

In Board of Aldermen

Clerk