

June 27, 2022

Commission's Secretary, Office of the Secretary
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

**Re: WC Docket No. 17-84 – Accelerating Wireline and Wireless Broadband
Deployment by Removing Barriers to Infrastructure Investment**

Dear Commissioners,

Connect the Future (CTF) files this letter in response to the Federal Communications Commission's (FCC) Further Notice of Proposed Rulemaking (FNPRM) seeking to address the needless delays and costs associated with utility pole attachments, replacements, and disputes that are slowing broadband deployment across the country.

Connect the Future is a coalition working to raise awareness and promote solutions that will expand broadband connectivity to unserved households, businesses, and anchor institutions across the country. As Chairwoman Rosenworcel has stated, "There was a time, not that long ago, when you could call broadband nice-to-have, not need-to-have. Those days are over. This pandemic has made it crystal clear that we need to connect everyone, everywhere in this country – no matter who they are or where they live."¹ The Chairwoman is spot-on; and not only do we need to connect everyone, but we need to do so as quickly as possible. Unfortunately, the process of attaching to poles, including when poles need to be replaced, often causes unnecessary delays and results in higher costs for deployment.

We must connect the millions in our country who still find themselves on the wrong side of the digital divide, particularly in rural communities where as many as one in four still lack access to broadband. Only then can the people in these communities fully benefit

¹ See Statement of Chairwoman Jessica Rosenworcel Re: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84, Second Further Notice of Proposed Rulemaking (March 16, 2022). <https://www.fcc.gov/document/fcc-seeks-comment-resolving-disputes-over-pole-replacement-costs>

from the educational, economic, health, agricultural, and social opportunities available in the 21st century. The FCC's work on these issues has the opportunity to take meaningful steps toward breaking down barriers to broadband deployment. Furthermore, this effort can help to ensure that recent public investments in broadband expansion are used more efficiently and effectively for maximum impact.

That is why we applaud the FCC for focusing on this often overlooked but critical obstacle – access to poles. These poles snake across the United States to form the backbone of our communications infrastructure, which connects everyone in our country. This is particularly true in rural communities, where it can take up to 10 or 20 poles to connect a single household or small business. Unfortunately, pole owners regularly impose unwarranted delays and economically unreasonable costs that prevent fast and fair access to this infrastructure, cutting off millions of unserved families, businesses, and community anchor institutions from high-speed internet.

Two key actions must be taken to truly address the current barriers to pole access:

- **The FCC must guarantee a more equitable division of costs between pole owners and attachers when poles must be replaced.**

Currently, pole owners – utility companies, municipalities or cooperatives – often require those attaching to poles – internet service providers – to pay for an entire pole replacement, even when a pole is old, damaged, or already scheduled for replacement in the near term. These costs can balloon to one-third of a pole attacher's total rural broadband expansion expenses.² A more equitable distribution of costs – especially when the pole owner gets significant benefits from a new pole – would not only speed overall broadband buildouts, but also maximize resources for broadband expansion. After all, every dollar spent to gain access to a pole is a dollar that broadband providers cannot spend on building the actual infrastructure needed for connectivity to unserved communities.

CTF understands that there are some limitations to the FCC's authority over all types of pole owners. However, action by the Commission in this proceeding is likely to have

² See NCTA Petition for Declaratory Ruling for WC Docket No. 17-84 (July 16, 2020): "for some NCTA members, make-ready costs alone (including pole replacements) comprise as much as one third of the total buildout expense in these areas." https://www.ncta.com/sites/default/files/2020-07/071620_17-84_NCTA_Petition_for_Declaratory_Ruling.pdf

ripple effects to all pole owners as states and localities that exercise jurisdiction over pole owners can utilize these rules as a model for their laws, rules, and enforcement.

- **The FCC must also ensure pole attachers have timely access to poles by standardizing permitting timelines and prioritizing the resolution of pole attachment disputes.**

Even when there are specific FCC timelines for processing and approving pole applications, pole owners often impose unnecessary delays by not acting on applications or imposing unwarranted limits on the number of applications or poles per application. For pole applications involving 3,000 or more poles, however, even under current FCC rules, there are no specific timetables for processing and approving such applications. As a result, pole owners are not required to quickly process attachment requests for large broadband projects, leading to disputes and delays that can hold up these projects from bringing internet service to unserved areas for months or even years.

These lengthy delays deny communities the critical internet services they need. In fact, a 2021 study shows that every month of delayed expansion due to pole attachment barriers costs Americans nationally between \$491 million and \$1.86 billion in lost economic gains. That adds up to more than \$22 billion in lost economic gains each year.³ We literally cannot afford for pole access to remain an impediment to broadband deployment.

For the millions of people in our country still awaiting access to high-speed internet, removing barriers to broadband deployment – notably pole access – will significantly effect when they finally receive the service they deserve. By implementing common-sense pole rules, ensuring equitable allocation of costs and timely processing of pole attachment requests, and resolving disputes quickly, the FCC can play a critical role in ensuring the Administration’s goal of full connectivity across our country becomes a reality.

³ See Edward J. Lopez & Patricia Kravtin, *Advancing Pole Attachment Policies to Accelerate National Broadband Buildout*, Connect the Future (November 2021), <https://connectthefuture.com/wp-content/uploads/2021/11/Advancing-Pole-Attachment-Policies-To-Accelerate-NationalBroadband-Buildout-National-Report.pdf>

Sincerely,

