

## What They Are Saying: Broadband Advocates Submit Comments on FCC's Proposed Pole Access Rules

Connect the Future and other broadband supporters are speaking out in [comments submitted](#) on the Federal Communications Commission's (FCC) proposed rules to accelerate broadband deployment by streamlining access to utility poles.

**It's clear that the FCC must take immediate action to reform outdated pole rules so that our country can more quickly achieve 100% connectivity.**

Read excerpts from the latest comments below:

### [Connect the Future et al.](#)

*"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 commonsense 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."*

### [ACA Connects](#)

*"ACA Connects thus urges the Commission to use this proceeding to develop an expedited resolution process for pole replacement disputes (and other make-ready disputes) for smaller providers so as to minimize never-ending disputes and promote the timely delivery of new, competitive voice, cable, and broadband services. An accelerated dispute resolution process also will allow the Commission to close any such gaps through adjudication early on – giving guidance to pole owners and attachers alike – as the rules are being implemented, rather than having the need for a further rulemaking process several years down the road."*

## ALLvanza et al.

*“One very common barrier to broadband deployment is access to utility poles. In order to facilitate greater broadband deployment, the Commission must make it a priority to govern how to allocate pole-replacement costs more equitably. If timely and reasonable access to poles is not a consideration when approvals for funding are made, broadband deployment to unserved parts of the country will continue to be stalled and government funding for broadband can go to waste. To deploy broadband in remote areas requires providers to attach their wires to existing utility poles that also carry electricity and telephone services to households. Unfortunately, some utility pole owners have used attachment requests as an opportunity to extract money from, or create delay, for new attachers through unreasonable make-ready requirements, fees, and demands for pole replacements. In addition, given the need to deploy broadband quickly to unserved communities, disputes brought to the FCC between pole owners and attaching broadband providers are in need of an expedited complaint process to ensure that the disputes are handled in a timely manner.”*

## American Action Forum

*“If the Commission can more equitably distribute these costs to the parties involved, the business case for deployments to more communities will become viable, especially in rural areas that currently lack any broadband access. As a result, broadband providers will invest more resources into infrastructure deployment, further connecting unserved and underserved Americans to high-speed broadband.”*

## Americans for Tax Reform & Digital Liberty

*“Too often, utility companies refuse to pay to replace their equipment and poles, no matter how old and outdated. Instead, they demand that broadband companies cover the cost of replacing their aging utility poles. Never mind that the broadband company doesn’t own the pole or that sometimes the pole needed to be replaced anyway. This expense misdirects private capital, congressional efforts and taxpayer dollars by making it harder for broadband companies to reach rural areas in two main ways. First, it leads to wrangling between the utility company and the broadband company, which delays getting high-speed internet to rural areas. ... Second, it skims finite private capital, as well as resources provided by taxpayers, that were intended for broadband, which means that fewer rural families ultimately get connected.”*

## Center for Individual Freedom et al.

*“Clarifying the cost-sharing requirements for pole replacements, ensuring prompt review of pole attachment applications, and creating an expedited process to review pole attachment disputes (especially in rural unserved areas) will offer economically sound solutions that will enable private and public investment to flow to areas where it is needed and can be profitably deployed. Pole owners should not be able to exploit their position to slow down the pole attachment process and/or force other parties to bear their costs of replacing aging pole infrastructure -- all of which make it more difficult for competitors to enter the market. Moreover, when disputes over these issues do arise, parties should be able to obtain quick resolution without a slow regulatory process becoming yet another inhibitor to connectivity. As such, we now urge the Commission to craft policies consistent with NCTA’s requested clarification of the pole attachment rules, as well as its request to expedite its resolution of complaints under those rules that inhibit pole access in unserved areas.”*

## Charter Communications

*“As Charter has expanded its network into unserved areas in recent years, it has increasingly encountered demands from pole owners that Charter pay, as a condition of attachment, the full cost to replace significant numbers of existing utility poles. Such pole replacement charges are substantial drivers of rural broadband deployment costs, and they frequently delay projects that then must be rerouted or redesigned. Left unaddressed, these largely unregulated charges have the potential to impede the success of federal and state broadband deployment programs, and place at risk the national priority to connect all Americans to quality, high-speed broadband.”*

## Crown Castle

*“So significant is the issue of pole replacement that it has adversely impacted the deployment of networks and services, both in terms of cost and timing. Requiring that a pole—or multiple poles—be replaced creates significant delay. There can be myriad, significant delays as a result of pole replacements—sometimes in the range of one to two years. For example, a pole replacement may require new local government permitting and depends on the availability of crews and materials. Coupled with the delay caused by pole replacements is the significant cost increase associated with replacing a pole, compared with typical make-ready for aerial attachments; replacing a pole likely results in costs of tens of thousands of dollars more per pole than attaching to an existing pole.”*

## Free State Foundation

*“In the drive to expand broadband Internet services to unserved, mainly rural areas, access to utility poles is increasingly important. When it comes to further closing the digital divide and helping to ensure all Americans can reap the benefits of access to broadband Internet services, time is of the essence. Unresolved pole attachment cost-sharing disputes can pose significant barriers to timely broadband deployment. The Commission is obligated to take steps to reduce those barriers and promote timely, predictable, cost-effective access to broadband infrastructure for serving all Americans.”*

## Hispanic Heritage Foundation et al.

*“The Commission’s proposed reforms could significantly lower the barriers to broadband deployment in rural areas and advance broadband access and digital equity for Latino communities. We recommend that the Commission adopt pole replacement cost sharing rules that promote cost-effective and timely access to utility poles, and urge the Commission to act expeditiously to adopt these rules so as to ensure that valuable federal funding and other broadband investments are properly leveraged to maximize broadband deployment in rural areas.”*

## INCOMPAS

*“To help increase competitive choice and more broadband connectivity and availability, INCOMPAS urges the Commission to take additional action to remove barriers and streamline processes for fiber, fixed wireless, and mobile wireless providers. It is critical that competitive providers deploying fiber facilities and wireless infrastructure that carry telecommunications and broadband services have access and rights to poles on a non-discriminatory basis. In this proceeding, INCOMPAS encourages that the Commission adopt a more comprehensive set of rules that close the gaps on the ‘inconsistent practices’ of utilities which have resulted in new attachers bearing the primary burden of pole replacement costs, even when utilities directly benefit from such replacement. Furthermore, the FCC should require utilities to share information with potential attachers concerning the condition and replacement status of their poles including both detailed engineering data that supports the need for pole replacement and detailed make ready cost estimates. Finally, the Commission should streamline the dispute process to expedite resolution and ensure rapid deployment of broadband facilities in both unserved and underserved communities.”*

### Innovation Economy Institute

*“The issue must be addressed immediately as the implications for both the U.S. economy as well as millions of individual consumers are clear. That is to say, if the pole access question is not addressed correctly then the country will not receive the broadband that it could otherwise have. With the tens of billions of dollars flowing to the states and localities from the federal government to try to spur quicker broadband build out to the unserved, failing to address this issue will be more than a lost opportunity, it will result in the waste of precious taxpayer dollars.”*

### International Center for Law and Economics

*“To ensure not just optimal broadband deployment, but also optimal pole repair and replacement, the costs to repair and upgrade poles that have not reached the end of their useful life should be shared between pole owners and attachers. Moreover, while pole owners should be compensated equitably to replace poles, they should not reap a windfall. New attachers should be responsible for the incremental costs associated with those attachments.”*

### Institute for Regulatory Analysis and Engagement

*“We, like many of our allied organizations, appreciate the FCC opening up another round of commenting on this issue. The issue of pole attachment/pole replacement costs is both complex and of great importance, and taking a thoughtful approach to reforming policies surrounding both should result in better policy—policy that helps to bridge whatever digital divides America is working to solve, wherever they are working to solve them.”*

### National Black Farmers Association

*“Not all farmers have access to the broadband they need in order to keep up with advances or even to efficiently work and live in the communities where they farm. African Americans, Hispanics, Native Americans and other minorities, make up twenty-two percent of America’s rural population. Many NBFA members live and farm these communities, which disproportionately lack high-speed broadband. ... Costs, and delays in processing, surrounding pole attachments are a major barrier to broadband deployment in communities across the country. Buildouts often require many pole attachments, particularly in low-density rural areas.”*

## National Grange

*“A major but often overlooked challenge to broadband expansion in rural areas is timely and cost-effective right-of-way and utility pole access. Often the easiest and most cost-effective way to deploy broadband to remote families is to use the existing utility poles which carry electricity and telephone services. In many rural communities, numerous utility poles may be required to connect a single family, farm or rural business to high-speed internet.”*

## NCTA – The Internet & Television Association

*“As the Commission recognized over ten years ago in the National Broadband Plan, the time and expense required to replace aging poles is one of the most significant obstacles to broadband deployment. And the current rules, at least as commonly interpreted, create significant delays in broadband buildout when pole replacement is necessary because in most cases they place the entire cost of replacing poles, even old and deteriorated ones, on the attachers—despite the significant economic benefit the pole owner obtains from replacing an existing pole with a newer, often taller and stronger, one.”*

## R Street Institute

*“R Street is encouraged that the Commission recognizes the importance of enabling quick and predictable access to poles in order to improve broadband buildout...The FCC can alleviate a number of burdens to broadband through future rulemakings in this proceeding.”*

## Schools, Health & Libraries Broadband (SHLB) Coalition

*“Through its rulemaking, the Commission should create equitable cost allocation standards for pole replacements that encourage efficiency and transparency from the beginning stages of a pole attachment project. The Commission should also expedite its resolution process for pole attachment and replacement disputes, and strongly encourage pole attachment working groups or voluntary state review boards to mediate and resolve disputes as they arise.”*

## Taxpayers Protection Alliance

*“While determining who should pay for what when it comes to pole replacements is a tricky task, reducing the regulatory burden shouldn’t be in dispute. In fact, the commission can move to ensure that pole attachment applications are promptly reviewed while creating an expedited process to review pole attachment disputes, with an emphasis on timeliness in rural areas where broadband growth is most needed.”*

## TechFreedom

*“The Commission should use its statutory authority under Section 224 to set pole replacement rules that fairly apportion the costs to reflect the benefit all parties receive from the pole replacement. That could take the form of the new attachers paying the remaining net book value of the pole being replaced, or some other formula that recognizes that the remaining value of the pole may exceed remaining net book value. In any event, the formula can neither be ‘attacher pays all’ or ‘utility pays all.’”*

## WIA – The Wireless Infrastructure Association

*“As billions of dollars in federal funding become available for broadband expansion, there is a distinct need for the Commission to streamline regulations and to remove barriers to wireless infrastructure deployment. Clear rules related to pole replacement costs are needed to ensure that these investments are not delayed or squandered through excessive make-ready costs. While there is significant national attention on connecting rural America, pole attachment rules will impact broadband deployment across the country and continue to be relevant as networks are improved to meet increasing demand.”*