June 27, 2022

Ms. Marlene H. Dortch

Secretary

Federal Communications Commission

45 L Street NE

Washington, DC 20554

**Re: Second Further Notice of Proposed Rulemaking in the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84.**

Dear Ms. Dortch:

The Hispanic Heritage Foundation, National Latino Farmers and Ranchers, League of United Latin American Citizens (LULAC), and Hispanic Federation submit these comments as an ad hoc coalition representing the interests of Latino individuals, families, and communities across the United States. We applaud the Commission’s effort to advance digital equity and broadband access for all and are pleased to submit these comments on how the Commission’s pole attachment regulation reform proposals may “promote or inhibit advances in diversity, equity, inclusion, and accessibility.”[[1]](#footnote-1)

Despite robust public and private efforts to address both the deployment and adoption gaps, significant challenges still exist. The COVID-19 pandemic continues to underscore the need for greater digital equity and inclusion across this country, particularly for our most vulnerable communities, such as rural areas. As the pandemic continues to adversely impact families, students, and small businesses who face the challenges of limited connectivity or no connectivity at all, the FCC must take action to ensure that its rules clearly prescribe a fair and equitable cost sharing approach for access to utility poles so that broadband can be deployed as rapidly and widely as possible. In addition, we call on the FCC to establish an expedited complaint process to resolve pole replacement disputes, which is necessary to ensure broadband buildout happens in a timely manner, particularly in unserved areas.

Although our organizations acknowledge the meaningful progress that has been made in deploying broadband, 14.5 million Americans remain unserved, and are unable to secure any high-speed broadband service in their home.[[2]](#footnote-2) This is particularly acute in rural areas.[[3]](#footnote-3) Sometimes, even when an internet connection is technically available, it is inadequate for modern needs that demand high speeds, including working from home, remote learning, agrotechnology and other modern farming practices, and telehealth services.[[4]](#footnote-4)

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.

Accelerating broadband buildouts in rural regions is critical to advancing digital equity for Latino communities in the United States. Rural areas face significant cost and logistical barriers that hinder broadband buildout.[[5]](#footnote-5) As of 2019, the gap in broadband access between rural and urban regions in the United States was 16 points, with more than 17% of rural population still without access to broadband service of at least 25 Mbps/3 Mbps in download/upload speeds.[[6]](#footnote-6)

The lag in broadband deployment in rural regions uniquely burdens Latino communities, as more Latino families are moving to these regions to seek opportunities in meatpacking plants, farms, or industries such as construction, oil, or timber, or to start businesses.[[7]](#footnote-7)  Indeed, although the overall population in rural areas decreased between 2010 and 2020, the rural Latino population grew rapidly throughout the country.[[8]](#footnote-8) Recent surveys indicate that more than 30% of Latino households in the United States remain without access to reliable internet,[[9]](#footnote-9) and most are “clustered in rural communities, where high-speed broadband internet is the hardest to find.”[[10]](#footnote-10) In Chimayo, New Mexico, for example, more than 90 percent of the population is Latino, yet only 41.8 percent of its residents have broadband internet access.[[11]](#footnote-11) As more Latino families move to rural areas, accelerating rural broadband buildout is critical to ensuring that these families have access to the economic, health, and education opportunities and resources that they need to succeed.

The Commission’s proposed reform of its pole attachment cost sharing regulations in the present proceeding is an important step towards removing barriers to rural broadband deployment and advancing digital equity for all. Pole attachment remains the primary method by which providers today deploy broadband in rural areas, and pole replacement costs represent a significant portion of the costs associated with this process. High pole replacement costs can be particularly burdensome for those seeking to deploy broadband infrastructure in rural areas, where poles are often old and fewer potential customers are present to help share the costs.

We urge the Commission to adopt pole replacement rules that ensure broadband providers receive cost-effective and timely access to utility poles. We have an historic opportunity to close the digital divide, with the $65 billion in funding under the Infrastructure Investment and Jobs Act and countless State, Tribal, and local government programs to bring broadband access to households in need. As a result, it is more important than ever that the Commission act quickly to adopt clear and equitable pole replacement cost sharing rules to lower barriers to broadband deployment in unserved and disadvantaged communities, and ensure that broadband funding maximizes broadband deployment.[[12]](#footnote-12)

The Commission’s rules should eliminate incentives for pole owners to shift costs disproportionately to broadband providers and establish an expedited complaint process to quickly resolve pole replacement disputes. Costs should be allocated fairly and complaints should be prioritized and resolved in a timely manner to ensure that broadband projects move quickly, remain on budget, and make the best use of public and private resources. This is the only way to ensure connectivity is delivered to communities that remain on the wrong side of the digital divide. The FCC cannot fail to resolve these challenges; otherwise, the communities who ultimately pay the cost are unserved and disadvantaged communities like Chimayo, NM, and others. We look forward to continuing to collaborate with the FCC on these important issues so that more people can realize the benefits of broadband connectivity, sooner.

Sincerely,

**Antonio Tijerino**

President and CEO

Hispanic Heritage Foundation

**Rudy Arredondo**

CEO-Executive Director

National Latino Farmers and Ranchers

**Sindy M. Benavides**

Chief Executive Officer

League of United Latin American Citizens

**Frankie Miranda**

President and CEO

Hispanic Federation

1. *See* *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Second Further Notice of Proposed Rulemaking, WC Docket No. 17-84, para. 37 (Mar. 18, 2022) (“Second FNPRM”). [↑](#footnote-ref-1)
2. *See In re Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a*

*Reasonable and Timely Fashion,* Fourteenth Broadband Deployment Report, 36 FCC Rcd 836, 837 ¶ 2 (2021)

(“Fourteenth Broadband Deployment Report”). [↑](#footnote-ref-2)
3. Diverse Coalition Statement (July 30, 2021), https://www.mmtconline.org/wp-content/uploads/2021/08/BB-

Infrastructure-Coalition-Letter-7.30.21-FINAL-Version-1.pdf. [↑](#footnote-ref-3)
4. The FCC has also estimated that millions of Americans lack access to fixed broadband services with speeds of at least 25/3 Mbps but live in areas where lower-speed or non-terrestrial broadband services are available. *See In*

*re Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a*

*Reasonable and Timely Fashion,* 2020 Broadband Deployment Report, 35 FCC Rcd 8986, 8991-92, 9003 ¶¶ 13,

36 (2020). [↑](#footnote-ref-4)
5. *See* Doug Dawson, *The Rural Broadband Industry*, Pew Trusts, p. 4 (Sept. 1, 2021), https://www.pewtrusts.org/-/media/assets/2021/09/white\_paper\_rural\_broadband\_industry\_final.pdf. [↑](#footnote-ref-5)
6. *See* *In re Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, Fourteenth Broadband Deployment Report, 36 FCC Rcd 836, 854-55, para. 33 (2021). [↑](#footnote-ref-6)
7. *See* DW Rowlands & Hanna Love, *Mapping Rural America’s Diversity and Demographic Change*, Brookings (Sept. 28, 2021), https://www.brookings.edu/blog/the-avenue/2021/09/28/mapping-rural-americas-diversity-and-demographic-change/. [↑](#footnote-ref-7)
8. *Id*. [↑](#footnote-ref-8)
9. *See* Abriendo Puertas, Opening Doors, *Latino Parent Voices: What Our Families Need Now* (2020), <https://nationalsurvey.ap-od.org/#economic-problems>; All4Ed, Students of Color Caught in the Homework Gap (2020), https://futureready.org/wp-content/uploads/2020/08/HomeworkGap\_FINAL8.06.2020.pdf. [↑](#footnote-ref-9)
10. Sindy Benavides, *Rural Latino Communities Need Internet Access*, The Hill (Nov. 20, 2021), https://thehill.com/ opinion/technology/526878-rural-latino-communities-need-internet-access. [↑](#footnote-ref-10)
11. *Id* [↑](#footnote-ref-11)
12. Since the release of the Notice of Funding Opportunity for the BEAD Program by the National Telecommunications and Information Administration on May 13, 2022, 34 states and territories have submitted Letters of Intent to participate in the program. *See* NTIA, *34 States and Territories “Sign On” to Biden-Harris Administration’s “Internet for All” Initiative to Bring Affordable, Reliable High-Speed Internet for Everyone* (May 18, 2022), https://ntia.gov/press-release/2022/34-states-and-territories-sign-biden-harris-administration-s-internet-all. [↑](#footnote-ref-12)