August 26, 2022

Commission's Secretary, Office of the Secretary

Federal Communications Commission

45 L Street NE

Washington, D.C. 20554

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

Dear Commissioners,

Connect the Future (CTF) is pleased to file these reply comments to the Commission’s Second Further Notice of Proposed Rulemaking that seeks to address the frequent and needless delays and excessively high costs associated with utility pole attachments, replacements, and disputes. These delays and high costs are slowing broadband deployment across the country, particularly in rural communities. Without prompt action taken to address pole issues, these communities will continue to be deprived of vital broadband access, and the billions of federal dollars made available for broadband run the risk of going to waste. Commission action in this proceeding to clarify its pole access and replacement rules, as well as to accelerate the consideration of pole attachment complaints, will substantially help further Congress and the Administration’s goal of expanding broadband access to more Americans.

Our supporters – representing a wide range of educational, economic, health, agricultural, civic, and social interests – are bound together by one common goal: to unleash the benefits of connectivity to the millions in our country who still find themselves on the wrong side of the digital divide. As the federal government allocates the $65 billion broadband investment from the Infrastructure Investment and Jobs Act, we have a once-in-a-generation opportunity to truly bridge the digital divide. But this is only possible if we work together to ensure there are policies and regulations in place to facilitate and maximize the use of these critical public funds.

It is clear from the comments filed in this proceeding from CTF and many others that a clarification, or change, to the Commission's rules is needed to ensure that pole attachment applications are being processed promptly and that the costs associated with pole replacements are being equitably shared between pole owners and pole attachers. Too often, pole attachers – e.g., broadband providers – are forced by pole owners to absorb the entire cost of a needed pole replacement, even when the pole owner derives significant benefit from that new pole. In other cases, pole owners are slow-rolling the processing of pole attachment applications submitted by broadband providers. The result of this harmful behavior is delayed broadband access and skyrocketing costs for deployment.

Some commenters have suggested that pole issues do not occur frequently enough to merit the Commission's action in this proceeding. CTF believes that the record in this proceeding strongly suggests otherwise – pole issues do in fact happen all too often.[[1]](#footnote-1) Even if the Commission were to conclude that the pole issues identified in this proceeding are uncommon, this would not justify inaction by the Commission. The unserved communities across our country that have been left behind for far too long deserve action by the Commission to promptly eliminate issues caused by pole replacements and delays so that broadband is deployed as soon as possible.

**To further demonstrate the frequent and widespread nature of these pole issues, we are attaching to these comments a collection of anecdotes from small internet service providers (ISPs) that span every region of the country, explaining how excessive costs and needless delays around the process of attaching to poles have inhibited their ability to bring reliable, high-speed internet access to unserved communities.**

From IdeaTek in Kansas, which was required to pay 100 percent of the cost of replacing poles, to MetroNet in Indiana, which waited for more than a year for approval of applications for 160 pole attachments because “one employee responsible for reviewing applications was out on extended medical leave,” these real-world examples clearly demonstrate why:

1. The Commission must guarantee a more equitable division of costs between pole owners and attachers when poles must be replaced;
2. The Commission must ensure pole attachers have timely access to poles by standardizing permitting timelines and accelerating the resolution of pole attachment disputes.

While we understand that there are limitations to the Commission’s authority over specific types of pole owners, action taken in this proceeding will likely have downstream effects on all pole owners, since states and localities regularly turn to Commission rules as a model for their own laws and rules.

By taking action now, the Commission can play a hugely consequential role in speeding the deployment of broadband to unserved Americans. Let’s use the federal resources we have available more effectively by eliminating impediments to swift deployment.

Sincerely,

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Zach Cikanek, Connect the Future

1. *See: “*What They Are Saying: Broadband Advocates Submit Comments on FCC’s Proposed Pole Access Rules.” https://connectthefuture.com/wp-content/uploads/2022/06/Connect-The-Future-FCC-Comment-What-They-Are-Saying.pdf [↑](#footnote-ref-1)