

What They Are Saying: Reply Comments on FCC's Proposed Pole Access Rules

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

Without prompt action taken by the FCC to address pole issues, unserved 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.

Read excerpts from the latest comments below:

[Connect the Future](#)

"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."

[ACA Connects](#)

"As we set forth herein, the current practice of most utilities to charge attachers 100% of the cost of a pole replacement is unfair, economically inefficient, and harmful to the deployment of communications networks. Accordingly, we urge the Commission to build upon its Pole Replacement Declaratory Ruling and adopt the Reformed Standard, a demonstrably more equitable and efficient approach. Moreover, with so many poles reaching the end of their useful life and the government spending so many billions of dollars to make broadband service available universally, the Commission has good reason to act promptly."

[ALLvanza et al.](#)

"We urge the Commission to act now to ensure that the Infrastructure Investment and Jobs Act's \$65 billion investment in broadband deployment is used as intended to connect all Americans to broadband and the opportunities it provides. Every delay in bringing high-quality, reliable broadband to communities who need it compounds the economic, educational, and social impact of being on the wrong side of the digital divide."

Altice USA

“If pole replacement costs are ‘left to the current standards, ... future pole projects may be delayed, cut short, or canceled,’ minimizing the total area that will benefit from, and making it more difficult to achieve, the broadband expansion goals outlined in recent federal broadband deployment funding legislation. Accordingly, the Commission should establish a cost-sharing mechanism that equitably allocates between pole owners and attachers the costs of poles replaced during the make-ready process to ensure broadband deployment funding is utilized as efficiently as possible.”

Charter Communications

“The cost of deploying broadband in unserved areas today is inflated, and projects are repeatedly delayed, because the only way to construct aerial plant is by paying utilities to replace large percentages of their existing distribution poles. Most of these poles are decades into their service lives and will need to be replaced in the reasonably foreseeable future anyway to continue supporting the utilities’ core services. Reforming the rules around pole replacement, and enabling broadband providers and utility pole owners to more equitably share the costs of these upgrades, is critical to ensuring that the national promise of high-speed broadband for all Americans is met and not squandered.”

Crown Castle Fiber

“The comments filed in this proceeding overwhelmingly point to the fact that pole attachment issues—including delays and unreasonable demands by pole owners—are interfering with broadband deployment nationwide. Some utilities still deny that there is a problem, but the reality for attachers is that planned deployments are often forced underground or abandoned as a result of unreasonable utility policies.”

INCOMPAS

“The current system for pole attachment and replacement is far from clear or predictable, and moreover, there is overwhelming support in the record among providers and industry, as noted below, that demonstrates otherwise. It is critical for the Commission to act now to clarify its rules and enforce a better process for cost allocation on pole replacements because the issues in this proceeding are real, recurrent, and widespread.”

International Center for Law & Economics

“A rule that unilaterally imposes a replacement cost onto an attacher is expedient from an administrative perspective but does not provide an economically optimal outcome. It likely misallocates resources, contributes to hold-outs and holdups, and is likely slowing the deployment of broadband to the regions most in need of expanded deployment. Similarly, depending on the condition of the pole, shifting all or most costs onto the pole owner would not necessarily provide an economically optimal outcome. At the same time, a complex cost-allocation scheme may be more economically efficient, but also may introduce administrative complexity and disputes that could slow broadband deployment. To balance these competing considerations, we recommend the FCC adopt straightforward rules regarding both the allocation of pole-replacement costs and the rates charged to attachers, and that these rules avoid shifting all the costs onto one or another party.”

Mercatus Center, George Mason University

“In the near term, the FCC needs to ensure that pole disputes are resolved quickly and fairly. At the very least, new attachers should not bear the full cost of replacement for a pole near the end of its expected lifespan. As Jeff Westling at the American Action Forum notes, excessive pole expenses and delays means ‘valuable taxpayer funds could be wasted while unserved Americans stay unconnected.’”

NCTA -- The Internet & Television Association

“Examples of projects cancelled, delayed, or rerouted to avoid the costs of pole replacements abound—as does the evidence that the effect has been to delay and increase the cost of broadband deployment. Pole owners deny the problem exists, but those denials ring hollow. The problem is not only real but urgent.”

Schools, Health & Libraries (SHLB) Coalition

“SHLB continues to encourage the Commission to put forth clear equitable and efficient cost allocation standards that acknowledge these considerations to create workable solutions between pole owners and attachers.”

TechFreedom

“The digital divide cannot be closed if broadband providers must subsidize the aging power grid by paying for the entire cost of pole replacements. More important, the clock is ticking on the dispersal of federal monies for broadband deployment. Broadband providers need clarity on this issue immediately if they are to properly scope and bid projects to be funded under BEAD and other programs.”

T-Mobile

“Consistent with its already significant infrastructure reforms, the Commission should act here to clarify the allocation of costs between utilities and attachers when a pole must be replaced. The record shows that the current costs and operational challenges associated with pole replacements are inhibiting attachers from deploying broadband services to Americans, including in rural and unserved areas. By expressly recognizing that utilities benefit from pole replacements, and clarifying the allocation of costs for pole replacements, the Commission can help to promote broadband deployment. The Commission also can help to expand broadband to rural, unserved, and underserved areas by resolving pole access/replacement disputes arising in those areas using an accelerated docket.”