

February 2024

The Honorable Alan Davidson
Assistant Secretary of Commerce for Communications and Information
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, D.C. 20230

Dear Assistant Secretary Davidson:

As the National Telecommunications and Information Administration (NTIA) reviews Broadband Equity, Access, and Deployment (BEAD) proposals, Connect the Future (CTF) urges you to focus attention on major hurdles that threaten the success of the program – and achievement of the Administration’s “Internet for All” goals. Specifically, we urge you to hold all funding recipients accountable for ensuring fair costs and timely access to utility poles for broadband deployment projects of all sizes.

CTF is a national coalition of economic, educational, health, agriculture, and civic voices committed to bringing reliable internet access to the 8 million-plus Americans who remain on the wrong side of the digital divide.¹ We stand ready to work with your team to overcome barriers to connectivity, including pole access hurdles that impede cost-effective and speedy broadband deployment.

As you are aware, access to utility poles often remains an overlooked but significant obstacle to broadband deployment. This is particularly true in rural areas where it can take more than 10 poles to connect a single home or business. These utility poles – the “unsung heroes of broadband deployment” – carry our nation’s communications and broadband infrastructure.² They are not owned by internet service providers (ISPs), but rather by utility companies, electric cooperatives, or municipalities that too frequently impose unfair, costly, and time-consuming demands on those working to expand broadband access.

Some pole owners, including local power companies partnering with the Tennessee Valley Authority (TVA), unfairly shift the full cost of repairing and upgrading their infrastructure to internet service providers.³ The FCC requires pole owners to “share proportionally” in pole replacement costs, but that hasn’t stopped many from concluding that “proportional” means owners pay nothing and attachers pay everything. For example, in rural Kansas, IdeaTek was stuck paying 100 percent of the costs of poles that required replacement.⁴ In West Virginia, Lumos regularly encountered situations in which it had to absorb the entire cost of survey and make-ready work.⁵

¹ “National Broadband Map: It Keeps Getting Better,” Federal Communications Commission (May 30, 2023). <https://www.fcc.gov/national-broadband-map-it-keeps-getting-better>

² “Statement of Commissioner Anna M. Gomez,” Federal Communications Commission (December 15, 2023). <https://docs.fcc.gov/public/attachments/FCC-23-109A1.pdf>

³ Johnny Kamps, “Justice Department must heed senator’s call to see if TVA is limiting broadband buildout,” *The Tennessean* (January 3, 2024). <https://www.tennessean.com/story/opinion/contributors/2024/01/03/departments-of-justice-utah-senator-mike-lee-concerns-tennessee-valley-authority-broadband-expansion/71609925007/>

⁴ See “INCOMPAS Comments – FCC Pole Replacement NPRM (Docket No. 17-84)” <https://www.fcc.gov/ecfs/search/search-filings/filing/10629168805842>

⁵ See NCTA Petition for Expedited Declaratory Ruling (July 16, 2020). https://www.ncta.com/sites/default/files/2020-07/071620_17-84_NCTA_Petition_for_Declaratory_Ruling.pdf

Other pole owners delay access to poles by slow-rolling negotiations for new agreements or imposing unreasonable demands on ISPs. In Virginia, Dominion Energy is taking an average of 234 days to process pole applications – far longer than the 165-day FCC rule.⁶ In Kentucky, Warren Rural Electric Cooperative Corp (WRECC) arbitrarily limited the number of pole attachment applications it would process to 120 each month.⁷ At this rate, a broadband project in that area – which required processing nearly 20,000 pole permits – would take nearly 13 years to complete.

Recent actions by the FCC are critical first steps toward addressing some of these broadband deployment barriers.⁸ However, many barriers remain. This is why CTF supports the FCC’s proposals for large pole attachment orders, self-help, and use of contractors. CTF will also continue to encourage the FCC to enact clearly defined and equitable standards for how the costs of replacing poles should be shared by the *owners* of those poles and attachers.

As the agency charged with administering the nation’s largest single investment in broadband deployment, NTIA’s voice will be vital to ensuring that BEAD recipients take necessary action on poles.

If NTIA is serious about ensuring the BEAD program’s success, it should:

- 1) Require all recipients of federal funds to follow federal pole guidelines, including electric cooperatives or municipalities that remain exempt from current FCC rules;**
- 2) Require states and territories receiving BEAD funding to have a clear plan for addressing pole access disputes and pole replacement issues;**
- 3) Ensure the availability of project funds to offset pole replacement costs; and**
- 4) Urge the FCC to move quickly on these pole-related reforms.**

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As you recently wrote, “NTIA is in the midst of a historic mission: to connect everyone in America to affordable, reliable high-speed Internet service.”⁹ Achieving that historic mission will require more than just \$42.5 billion in BEAD funding. It will require wise guidance from your agency to ensure that this investment is used efficiently to bring connectivity to unserved Americans.

Sincerely,



Zach Cikaneck, Connect the Future

⁶ Tad Dickens, “Virginia is trying to get broadband to 162,000 locations without it. Old utility poles may get in the way,” *Cardinal News* (January 3, 2024).

⁷ Don Sargent, “Charter hits snag in broadband rollout, targets WRECC,” *Bowling Green Daily News* (November 24, 2021). https://www.bgdailynews.com/news/charter-hits-snag-in-broadband-rollout-targets-wrecc/article_4361fd74-b1f3-5fb3-a464-55fb89783dc6.html

⁸ “Fourth Report and Order, Declaratory Ruling, and Third Further Notice of Proposed Rulemaking,” Federal Communications Commission (WC Docket No. 17-84, December 15, 2023). <https://docs.fcc.gov/public/attachments/FCC-23-109A1.pdf>

⁹ Alan Davidson, “NTIA 2023: A Year in Review,” National Telecommunications and Information Administration (January 4, 2024). <https://www.ntia.gov/blog/2024/ntia-2023-year-review>