



Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

June 15, 2017

In the Matter of

Notice of Inquiry Concerning the Accelerating  
Wireline Broadband Deployment by Removing  
Barriers to Infrastructure Investment

**WC Docket No. 17-84; FCC 17-37**

The Power & Communication Contractors Association (PCCA) represents construction contractors, manufacturers, and suppliers that build and repair America's power and communications infrastructure, including broadband, electric transmission, distribution, and substation facilities, telephone, and cable television systems. PCCA members provide the manpower and expertise needed to install the infrastructure for significant broadband deployment across America. PCCA members also engage in directional drilling, local area and premises wiring, and improvements to water and sewer infrastructure, as well as gas and oil pipelines. The association appreciates the opportunity to comment on the Federal Communications Commission's (FCC) Notice of Proposed Rulemaking, released on May 11, 2017. The NPRM seeks input to help assess whether FCC should enact rules to promote the deployment of broadband infrastructure by preempting state and local laws to remove regulatory barriers to infrastructure investment.

**Previous Funding Programs and Target Speeds**

PCCA has commended FCC for the progress made with previous funding programs while also encouraging further reforms to remove barriers to infrastructure investment and streamline the process of getting federal resources where they are needed most. FCC has expanded broadband access to more rural areas by modernizing and reforming the Universal Service Fund (USF) program, which supports small rural carriers, to help carriers offer stand-alone broadband service to more rural customers and to encourage carriers to invest in underserved communities.

However, PCCA believes FCC needs to focus on building fiber-based infrastructure and avoid repairing antiquated copper systems and becoming mired with bureaucratic hurdles that continue to obstruct effective broadband deployment. Failure to replace old copper systems is by far the biggest impediment to effective and sustainable broadband deployment and is inconsistent with Chairman Pai's goal of making the most of taxpayer dollars.

PCCA maintains that ongoing debates regarding fixed and mobile broadband services are behind the curve. In fact, while FCC's benchmark speed of 25 Mbps download/3 Mbps upload for fixed advanced broadband services was a significant improvement to the previous 10/1 Mbps level, the 25/3 Mbps target speed sets the bar too low. Consumer demand for faster upstream and downstream speeds is already showing that these target speeds are obsolete.

FCC would encourage innovation by setting target speeds at levels that will keep pace with evolving technologies and rising demand for high-speed broadband service. While the USF and Connect America Fund (CAF) programs, as well as resources provided by the USDA's Rural Utilities Service, have made progress, PCCA believes the focus must be on broadband speeds. In the long term, achieving "future proof" speeds of 100/100 Mbps would allow use of technology needed for technological advancements that allow better communication through telematics and meet demand for the simultaneous use of multiple mobile devices in businesses, schools, hospitals, first responders, and American homes today and into the future.

### **Preemption of State Laws Governing Copper Retirement**

FCC seeks specific feedback on "whether there are state laws governing the maintenance or retirement of copper facilities that serve as a barrier to deploying next-generation technologies and services that the Commission might preempt. For example, certain states requiring utilities or specific carriers to maintain adequate equipment and facilities." FCC also asks for feedback on the impact of state legacy service quality and copper facilities maintenance regulations, and "the impact of state laws restricting the retirement of copper facilities."

Fiber optic is increasingly becoming the material of choice in broadband deployment and for good reason. Fiber offers significantly faster speeds over much longer distances than traditional copper technologies, such as DSL and cable. Fiber allows users to transfer large amounts of data quickly and seamlessly, and data flows over great distances with little interference. As communities across America outgrow old copper-based infrastructure, policymakers should facilitate the process of replacing it with superior fiber networks.

The biggest obstacle of widespread adoption of fiber-based broadband is the cost of implementing new fiber lines when old systems are still able to serve customers. Policy that allows for simple repair and refurbishment of antiquated copper systems serves as little more than a "Band-Aid." Moreover, there may be a need for increased FCC oversight to ensure that federal resources are used for their intended purpose. Allowing carriers to rebuild old copper systems in high-cost areas is not only a barrier to infrastructure investment, it actually *perpetuates* the underlying problem. Federal policy should encourage, and to the extent possible, *require* the use of the only material available that can provide broadband service needed to meet current and future demand. This can only be achieved through replacing antiquated copper systems with contemporary fiber networks.

### **FCC Oversight**

PCCA members offer the unique perspective of those building broadband infrastructure in the field. The vast majority of broadband projects are contracted out by carriers, small and large, rural and urban, and the PCCA membership represents 85% of the contracting firms doing this important work.

Unfortunately, PCCA has experienced multiple situations where certain carriers have expended the minimum resources needed to improve existing copper networks enough to provide the minimum speeds needed to be eligible for FCC funding. While PCCA believes in the free market and reducing regulatory burdens imposed during the previous administration, increased FCC oversight may be necessary to ensure that federal resources are going to broadband purveyors who are actually investing in projects that result in legitimate infrastructure improvements.

### **Conclusion**

It has become widely recognized that high-speed internet is no longer a convenience – communities across America are clamoring for faster and more reliable broadband service not because they enjoy it, but because they *need* it. PCCA applauds FCC for asking for feedback on how to best remove barriers to broadband infrastructure investment. Although technologically complex, the basic concepts of the solution are not. FCC should encourage and even require the installation of fiber systems across the country if the Commission is serious about providing future-proof broadband infrastructure. Upping the ante in terms of targeted internet speeds and ensuring federal dollars are invested in legitimate infrastructure improvement efforts are the most effective ways to achieve these goals.

PCCA appreciates the opportunity to comment on this NPRM, and we remain available to answer any questions the Commission may have on these positions.