

**TAXPAYERS  
PROTECTION  
ALLIANCE**

September 2, 2020

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street SW  
Washington, D.C. 20054  
*Via Electronic Filing*

**In the Matter** of WC Docket No. 17-84, the petition for a declaratory ruling filed by NCTA – The Internet & Television Association:

The Taxpayers Protection Alliance (TPA) agrees with NCTA that utility pole owners should share in the cost of pole replacements in unserved areas pursuant to section 224 of the Communications Act, section 1.1408(b) of the Commission's rules and Commission precedent. TPA also concurs that pole attachment complaints arising in unserved areas should be prioritized through placement on the Accelerated Docket under section 1.736 of the Commission's rules and that section 1.1407(b) of the Commission's rules authorizes the Commission to order any pole owner to complete a pole replacement within a specified period of time or designate an authorized contractor to do so.

With uncertainty about the new school year and the probability that many children will be required to attend virtual school from their dining room tables, the impact of the COVID-19 pandemic illustrates how integral high-speed internet is for homes. But many parts of America, particularly rural regions, remain unserved and education or working from home remains a challenge.

Rural connectivity remains a challenge for providers given the high cost to serve less densely populated communities that cover large geographic areas, sometimes with challenging topography. Typically, deploying broadband in rural areas requires use of many more utility poles than in a higher populated urban environment.

As the NCTA Petition demonstrates, broadband providers, who attach much of the equipment found on such poles, too often are saddled with excessive pole costs when building out their networks. Rather than equitably sharing and allocating costs, pole owners present broadband providers with a Hobson's choice – they make access to their poles contingent on the broadband provider bearing the entire cost of replacing the pole for the pole owner even when those poles are in disrepair and toward the end of their useful lives. NCTA notes that providers often accept these costs to avoid extensive construction delays, which benefit neither providers nor customers seeking a broadband internet connection. While this improper cost shifting by pole owners is inconsistent with existing FCC rules and precedent, the practice appears to have only increased in recent years.

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# TAXPAYERS PROTECTION ALLIANCE

Indeed, the cost curve has become so skewed in sparsely populated areas due to pole replacement costs that providers are disincentivized from offering service to the areas that need it most. Every dollar spent by broadband providers to perform a pole owner's pole replacement (or pole maintenance) is a dollar less that can go towards deploying broadband to unserved areas. Pole owners should be properly compensated for the use of their poles; however, that compensation needs to be equitable and not unduly burden attachers to the excessive benefit of the pole owners. Doing so only slows down broadband deployment – a loss for the American consumer.

This is why the FCC's Wireline Competition Bureau should clarify that pole replacement costs be equitably allocated between pole owners and providers wanting to rent space on such equipment in unserved areas. Providers should only have to pay the incremental costs they cause in hastening pole replacement. This move will help promote additional investment in broadband infrastructure in the parts of the U.S. currently lacking high-speed connections.

Showing a commitment to closing the digital divide, internet service providers (ISP)s have spent more than \$1 trillion over the past 20 years deploying broadband across the country. Continuing to require them to fund 100 percent of the cost of pole replacement would hinder their ability to further help the unserved population.

The FCC can further enable more investment by prioritizing the resolution of utility pole attachment disputes in unserved communities. This will help providers close the digital divide in those areas quicker by settling disagreements in a timelier fashion.

Compelling pole owners to quickly replace old poles will also slow the time needed to complete new projects or repair existing infrastructure.

All of these moves combined will help ISPs extend broadband to as many Americans as possible as quickly as possible.

Sincerely,



David Williams  
President