The Commission Should Impose a Time Limit for Issuance of Attachment Permits to End the Interminable Delays that Greatly Undermine Broadband Deployment

1. **Pole Attachment Delays are a Fundamental Problem Impacting Broadband Deployment that Must be Addressed Now.** Pole attachment delays have plagued broadband deployment and competition for years. Often, waiting for a pole owner to complete the work is like waiting for Godot. To add insult to injury, pole owners frequently refuse to provide any indication of when the work will be completed.

2. **The Reason for this Fundamental Problem is the Significant Hole in the Current Rules.** There is a gaping hole in the current law. There is no time limit specifying the period within which a pole owner has to issue an attachment permit.

3. **Without a Time Period, the Interminable Delays will Continue as Pole Owners Have No Incentive (and, in fact, Often Have a Disincentive) to Promptly Act on Attachment Requests.** Pole owners that compete with providers have an incentive to slow-roll the pole attachment process. Moreover, as the Commission has recognized, even those pole owners who do not compete with broadband providers have no incentive to act promptly on attachment requests.

4. **Pole Attachment Delays Completely Derail and/or Greatly Delay Broadband Deployment.** Lengthy delays caused by pole owners deprive consumers of broadband services. A time period is also needed for some semblance of competitive neutrality because pole owners, unlike new attachers, do not need to wait for a license. The Commission has recognized that "time is critical" in obtaining attachments, and that lengthy delays are "not … conducive to a pro-competitive … environment."

5. **Several States that Regulate Pole Attachments Have Issued Deadlines, Proving that Such Deadlines Are Feasible.** As the Connecticut DPUC (90 day deadline, 125 days for pole replacements), for example, stated, a longer time period "is not reflective of today's customer-driven telecommunications market. Connecticut customers … deserve the most efficient delivery of services, and thus the process … must be streamlined." But *all* consumers deserve the efficient delivery of services. Not having a time period under the Commission's rules is at odds with today's customer-driven telecommunications market as well as the Commission's goals of promoting broadband deployment.

6. **The Commission's Cable Franchising Order Supports Adoption of a Time Limit Here.** The Commission imposed a time limit for local governments to respond to cable applications because broadband deployment was being delayed, the process sometimes took a year or more, and complaints were not adequate remedies since they added additional delay and expense. Those same findings apply to pole attachment applications. In fact, a stronger case exists for a time limit here because private entities are causing the delays, rather than local governments who generally want more competition.

7. **The Commission Has Options as to What Type of Time Limit to Impose.** The Commission could impose a flat time limit, a time limit based on the number of poles involved, or a time limit based on whether a pole replacement is necessary.