APPENDIX C

States That Have Certified That They Regulate Pole Attachments

1. The following states have certified that they regulate rates, terms, and conditions for pole attachments, and, in so regulating, have the authority to consider and do consider the interests of subscribers of cable television services, as well as the interests of the consumers of the utility services. Moreover, these states have certified that they have issued and made effective rules and regulations implementing their regulatory authority over pole attachments, including a specific methodology for such regulation which has been made publicly available in the state.

2. [1] Certification by a state preempts the Commission from accepting pole attachment complaints under Subpart J of Part 1 of the Rules, including the rules adopted in this Order.[2] All other states remain subject to the Commission's jurisdiction to regulate pole attachments under section 224 of the Act.

Alaska
Arkansas
California
Connecticut
Delaware
District of Columbia
Idaho
Illinois
Kentucky
Louisiana
Maine
Massachusetts
Michigan
New Hampshire
New Jersey
New York
Ohio
Oregon
Utah
Vermont
Washington

[1] *States That Have Certified That They Regulate Pole Attachments*, WC Docket No. 10-101, Public Notice, 25 FCC Rcd 5541 (WCB 2010).

[2] 47 U.S.C. § 224(c); 47 C.F.R. §§ 1.1401–1.1418.

APPENDIX D

Lists of Commenters

***Implementation of Section 224 of the Act; A National Broadband Plan for Our Future*, WC Docket No. 07-245, GN Docket No. 09-51, Order and Further Notice of Proposed Rulemaking, 25 FCC Rcd 11864 (2010).**

Commenter	Abbreviation
Alliance for Fair Pole Attachment Rules	Alliance
Alliant Energy Corporate Services, Inc.	Alliant
Ameren Services Company; CenterPoint Energy Houston Electric, LLC; and Virginia Electric and Power Company	Ameren *et al.*
American Cable Association	ACA
American Public Power Association	APPA
Association of Louisiana Electric Cooperatives, Inc.	Louisiana Association
AT&T Inc.	AT&T
Bob Matter Consulting	Bob Matter Consulting
Bright House Networks	Bright House
CenturyLink	CenturyLink
Charter Communications, Inc.	Charter
Coalition of Concerned Utilities	Coalition
Comcast Corporation	Comcast
CPS Energy	CPS Energy
CTIA – The Wireless Association	CTIA
DAS Forum	DAS Forum
Edison Electric Institute and Utilities Telecom Council	EEI/UTC
Exelon Electric Distribution Companies	Exelon
Fiber Technologies Networks, LLC	Fibertech
Florida Investor-Owned Electric Utilities	Florida IOUs
Idaho Power Company	Idaho Power
Imperial Irrigation District	Imperial Irrigation
Independent Telephone & Telecommunications Alliance	ITTA
Level 3 Communications, Inc.	Level 3
Massachusetts Department of Telecommunications and Cable	MDTC
MetroPCS Communications, Inc.	MetroPCS
National Cable & Television Association	NCTA
National Rural Electric Cooperative Association	NRECA
National Telecommunications Cooperative Association; Organization for the Promotion and Advancement of Small Telecommunications Companies; Western Telecommunications Alliance; and Eastern Rural Telecom Association	Associations
NextG Networks, Inc.	NextG
NTELOS, Inc.	NTELOS
Oncor Electric Delivery Company LLC	Oncor
Petra Solar, Inc.	Petra Solar
Public Utilities Commission of Ohio	Ohio Commission
Puget Sound Energy	Puget Sound Energy
Qwest Communications International, Inc.	Qwest

Sunesys, LLC	Sunesys
T-Mobile USA, Inc.	T-Mobile
Time Warner Cable, Inc.	TWC
tw telecom inc. and Comptel	TWTC/COMPTEL
United States Telecom Association	USTelecom
Verizon	Verizon
Virginia Electric Power Company	Virginia Electric
We Energies	We Energies

Reply Commenter	**Abbreviation**
Alliance for Fair Pole Attachment Rules	Alliance
Alabama Rural Electric Association	Alabama Assoc.
American Public Power Association	APPA
AT&T Inc.	AT&T
Bright House Networks	Bright House
Clay Electric Cooperative	Clay Electric
Coalition of Concerned Utilities	Coalition
Comcast Corporation	Comcast
Dairyland Power Cooperative	Dairyland
DAS Forum	DAS Forum
Edison Electric Institute and Utilities Telecom Council	EEI/UTC
Florida Investor-Owned Electric Utilities	Florida IOUs
Flint Electric Membership Corporation	FEMC.
Georgia Electric Membership Corporation	GEMC
Hawaii Telecom, Inc.	HTI
Kansas Electric Cooperatives, Inc.	Kansas Cooperatives
Little Ocmulgee Electric Membership Corporation	LOEMC
Mahanger Consulting Associates	Mahanger Consulting
MetroPCS Communications, Inc.	MetroPCS
Montana Electric Cooperatives Association	MECA
Montgomery County, Maryland and Anne Arundel County, Maryland	Montgomery and Anne Arundel Counties
National Cable & Television Association	NCTA
National Rural Electric Cooperative Association	NRECA
New Mexico Exchange Carrier Group	NMECG
NextG Networks, Inc.	NextG
North Carolina Association of Electric Cooperatives	NCAEC
Northern Virginia Electric Cooperative	NVEC
Oklahoma Association of Electric Cooperatives	Oklahoma Cooperatives
Oncor Electric Delivery Company LLC	Oncor
Sunesys, LLC	Sunesys
T-Mobile USA, Inc.	T-Mobile
Texas Electric Cooperatives, Inc.	Texas Cooperatives
Time Warner Cable, Inc.	TWC
tw telecom inc. and Comptel	TWTC/COMPTEL
Verizon	Verizon
Virginia, Maryland, and Delaware Association of Electric Cooperatives	VMDAEC

***Implementation of Section 224 of the Act; Amendment of the Commission's Rules and Policies Governing Pole Attachments*, WC Docket No. 07-245; RM-11293; RM-11303, Notice of Proposed Rulemaking, 22 FCC Rcd 20195 (2007).**

Commenter	Abbreviation
American Electric Power Service Corporation; Duke Energy Corporation; Entergy Services Company; PPL Electric Utilities Corporation; Progress Energy; Southern Company; and Xcel Energy Services, Inc.	AEP *et al.*
Alabama Power Company; Georgia Power Company; Gulf Power Company; and Mississippi Power Company	Alabama Power *et al.*
Alpheus Communications, L.P. and 360networks USA, Inc.	Alpheus and 360networks
Ameren Services Company and Virginia Electric and Power Company	Ameren and Virginia Electric
AT&T Inc.	AT&T
Cavalier Telephone, LLC	Cavalier
CenturyTel, Inc.	CenturyTel
Charter Communications, Inc.	Charter
Coalition of Concerned Utilities	Coalition of Concerned Utilities
Comcast Corporation	Comcast
CTIA – The Wireless Association	CTIA
DAS Forum	DAS Forum
Edison Electric Institute and Utilities Telecom Council	EEI/UTC
Empire District Electric Company	Empire
ExteNet Systems, Inc.	ExteNet
Fibertech Networks, LLC and Kentucky Data Link, Inc.	Fibertech/KDL
Fibertower Corporation	Fibertower
Florida Power & Light and Tampa Electric Company	FPL and Tampa Electric
Florida Power & Light Company; Tampa Electric Company; and Progress Energy Florida, Inc.	FPL *et al.*
Frontier Communications	Frontier
Hance Haney	Hance Haney
Idaho Power Company	Idaho Power
Independent Telephone and Telecommunications Alliance	ITTA
Knology, Inc.	Knology
Mississippi Cable Telecommunications Association	MCTA
MetroPCS Communications, Inc.	MetroPCS
MI Connection Communications System	MI Connection
National Cable & Television Association	NCTA
NextG Networks, Inc.	NextG
National Telecommunications Cooperative Association	NTCA
Oncor Electric Delivery Company	Oncor
Oregon Public Utility Commission	Oregon Commission
PacifiCorp; Wisconsin Electric Power Company; and Wisconsin Public Service Corporation	PacifiCorp *et al.*
Portland General Electric Company	PGE
Qwest Communications International, Inc.	Qwest
State Cable Associations	SCA
segTEL, Inc.	segTEL
Sunesys, LLC	Sunesys
T-Mobile USA	T-Mobile

Time Warner Cable, Inc.	TWC
Time Warner Telecom, Inc.; One Communications Corporation; and CompTel	TWTC
United States Telecom Association	USTelecom
Utilities Telecom Council	UTC
Utah Public Service Commissioners	Utah Commissioners
Verizon	Verizon
Windstream Corporation	Windstream
Wireless Communications Association International, Inc.	WCA
WOW! Internet Cable and Phone	WOW!
Zayo Bandwidth Entities	Zayo

Reply Commenter	**Abbreviation**
American Electric Power Service Corporation; Duke Energy Corporation; Entergy Services Company; PPL Electric Utilities Corporation; Progress Energy; Southern Company; and Xcel Energy Services, Inc.	AEP *et al.*
Alabama Power Company; Georgia Power Company; Gulf Power Company; and Mississippi Power Company	Alabama Power *et al.*
Ameren Services Company and Virginia Electric and Power Company	Ameren and Virginia Electric
American Cable Association	ACA
American Corn Growers Association	ACGA
American Legislative Exchange Council	ALEC
Americans for Tax Reform and Media Free Project	ATR/MFP
AT&T Inc.	AT&T
Coalition of Concerned Utilities	Coalition of Concerned Utilities
Comcast Corporation	Comcast
CTIA – The Wireless Association	CTIA
DAS Forum	DAS Forum
Edison Electric Institute and Utilities Telecom Council	EEI/UTC
Embarq Local Operating Companies	Embarq
ExteNet Systems, Inc.	ExteNet
Fibertech Networks, LLC; and Kentucky Data Link, Inc.	Fibertech/KDL
Fibertower Corporation	Fibertower
Florida Cable Telecommunications Association, Inc.	FCTA
Florida Power & Light Company; Tampa Electric Company; and Progress Energy Florida, Inc.	FPL *et al.*
Georgia Power Company	Georgia Power
Grande Communications Networks, Inc.	Grande
Independent Telephone and Telecommunications Alliance	ITTA
National Association of State Utility Consumer Advocates	NASUCA
National Cable & Television Association	NCTA
National Rural Electric Cooperative Association	NRECA
National Telecommunications Cooperative Association	NTCA
NextG Networks, Inc.	NextG
Oncor Electric Delivery Company	Oncor
Organization for the Promotion and Advancement of Small Telecommunications Companies	OPASTCO
Pacific LightNet, Inc.	Pacific LightNet

PacifiCorp; Wisconsin Electric Power Company; and Wisconsin Public Service Corporation	PacifiCorp *et al.*
State Cable Associations	SCA
segTEL, Inc; Zayo Bandwidth Entities; and 360networks USA, Inc.	SegTEL *et al.*
Sunesys, LLC	Sunesys
T-Mobile USA	T-Mobile
Time Warner Cable, Inc.	TWC
Time Warner Telecom, Inc.; One Communications Corporation; and CompTel	TWTC
United States Telecom Association	USTelecom
Verizon	Verizon

STATEMENT OF CHAIRMAN JULIUS GENACHOWSKI

RE: *Implementation of Section 224 of the Act*, WC Docket No. 07-245, *A National Broadband Plan for Our Future*, GN Docket No. 09-51

RE: *Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Government Rights of Way and Wireless Facilities Siting*, WC Docket No. 11-59

Today, we take a major step in reducing barriers to broadband deployment, even as we set the stage for further progress on this vital goal. Our actions will enable and accelerate billions of dollars of private investment in the 21st century infrastructure America needs to create jobs, grow our economy, and compete globally.

Today's actions implement key recommendations of the National Broadband Plan and are central pillars of our Broadband Acceleration Initiative, announced on February 9. This Initiative is one of the Commission's top priorities: an agency-wide effort to speed the build-out of wired and wireless broadband by removing obstacles to deployment, particularly obstacles created by unneeded or inefficient regulation.

Having determined that broadband is not being reasonably and timely deployed to all Americans, the Commission is required by Section 706 of the Telecommunications Act to "take immediate action to accelerate deployment . . . by removing barriers to infrastructure investment." The Broadband Acceleration Initiative, and our actions today, are central to carrying out that duty.

The Initiative incorporates work being done by the Commission's Technological Advisory Council. I was pleased to revive the TAC, announce its new members on October 21, and give them a concrete charge: identify ways to use communications technologies and spectrum to drive job creation and economic growth. Under the excellent leadership of Tom Wheeler, and with participation from a host of private sector experts and Internet pioneers, the TAC has already identified several promising policy proposals that I look forward to the Commission considering in the coming year.

Another key milestone was the Broadband Acceleration Conference we held earlier this year, which yielded a number of strong ideas for policy reforms, many of which are included in the Notice of Inquiry the Commission adopts today.

Why is this Initiative so important? In the race for global competitiveness, the speed with which we can build America's broadband networks is as important as the speed that is delivered over these networks. Broadband is indispensable infrastructure for improving America's productivity in the 21st century – which is in turn the key to robust economic growth and job creation. The faster we can build out broadband, the faster we can help American workers and small businesses create the leading web-based enterprises of tomorrow. That's what the Broadband Acceleration Initiative is all about.

The Pole Attachments Order we adopt today comprehensively reforms the Commission's pole attachment rules for the first time since the 1990s, taking account of major changes in the marketplace and incorporating smart policies pioneered by various states.

Some might wonder what the connection is between utility poles and broadband service. Utility poles are essential to providing broadband service, wired and wireless, because that's where communications companies string cables and, increasingly, place wireless antennas. If every company that wanted to provide broadband service had to build its own separate set of poles to carry its equipment,

we wouldn't have much broadband in this country—it would simply be too expensive, and often impossible, to build an entirely new network of poles. This is why the Commission has historically taken steps to ensure that communications providers have reasonable access to the poles that already exist throughout the country.

The record in this proceeding demonstrates that today, the process by which broadband providers get access to utility poles frequently is so unpredictable, takes so long, and costs so much that it discourages providers from entering the marketplace and significantly delays broadband build-out. So our Order provides for a fixed timeline for getting access to poles that providers can count on, for both wired and wireless broadband build-out.

It also provides a timeline for accessing the tops of poles, which are key for the deployment of wireless broadband technologies like distributed antenna systems – DAS for short. DAS deployments use multiple antennas to extend wireless coverage and provide service more efficiently than conventional wireless antennas. As a result of this Order, DAS providers estimate that their cumulative capital investment could total more than $15 billion over the next six years.

Importantly, the Order balances the need for efficient access to poles with protections for the safety and reliability of our electric grid, and empowers utilities to effectively prevent unauthorized attachments on their poles. Lineworkers perform jobs that are both valuable and dangerous, and we have been careful in developing this Order to make sure that we do nothing that would jeopardize their safety or the safety of others.

The Order also reforms policies for pole attachment rates. The record shows that pole rental rates vary widely and are often inefficiently high, which slants the competitive playing field, distorts infrastructure investment decisions, and deters broadband build-out. This is why incumbent phone companies argued that the Commission should regulate the prices they pay to access a utility's network of poles.

Reforming pole attachment rates is particularly important for rural America, where this Order will reduce pole rental costs for some broadband providers by more than 50%. This should spur broadband deployment where it is needed most, reduce the need for universal service funding to serve some hard-to-reach areas, and lower the cost of serving some rural households by as much as several dollars per month – which could mean real savings on consumers' bills. We expect these benefits to occur, and would be concerned – and would seriously consider modifying our approach to this issue – if we did not see evidence that these benefits were indeed occurring.

Today's Order is a testament to the strengths of our federal system and the importance of states as laboratories for policy development. Thanks to the thoughtful work of a number of states in crafting pole attachment rules over the last two decades, we have several effective models for pole attachment governance with proven track records. Our rules incorporate best practices from Oregon, Utah, New York, and other states.

While the Pole Attachments Order brings one proceeding to a close, we are simultaneously opening a new proceeding on Accelerating Broadband Deployment. This proceeding will examine key challenges and best practices for rights-of-way and wireless facilities siting policies. Rights-of-way policies are the rules that govern access to the public spaces where broadband infrastructure – including wireless towers and antennas – are deployed, including roadways, sidewalks, public lands, and public buildings, but excluding utility poles.

This proceeding is focused on improving these policies in order to enable broadband providers to expand the reach and accelerate deployment of robust, affordable broadband to all Americans. The

National Broadband Plan and our Technological Advisory Council have identified a number of potential barriers in this area, including:

- Poor coordination across jurisdictions on infrastructure issues, which delays broadband build-out and raises consumer costs;
- The expense and complexity of obtaining access to public rights of way;
- The fact that it's much harder than it should be to put another antenna on an existing cell tower;
- Failure to embrace "dig-once" policies that save money when workers dig a trench in the ground to lay fiber or cable; and
- Non-standard, confusing permitting processes for broadband infrastructure siting on federal property.

We will examine these issues with input from all interested parties, including states and localities, Tribes, other federal agencies, broadband providers, equipment providers, and consumer advocates. I look forward to learning what's working and can be replicated more broadly; what's not working and should be fixed; and, in general, what can be done to improve inefficient or burdensome policies.

I thank the staff, particularly the Wireline and Wireless Bureaus, for their hard work on these complex and important items. And I thank the TAC, and the FCC staff working with the TAC, for their continued efforts to develop proposals for further reform.

STATEMENT OF COMMISSIONER MICHAEL J. COPPS

RE: *Implementation of Section 224 of the Act*, WC Docket No. 07-245, *A National Broadband Plan for Our Future*, GN Docket No. 09-51

RE: *Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Government Rights of Way and Wireless Facilities Siting*, WC Docket No. 11-59

The National Broadband Plan clearly and rightly identified pole attachment policy as a key part of ensuring that all Americans have access to robust and affordable broadband service. It's not sexy or very exciting and you can quickly get lost in the weeds, but clarifying the rules surrounding rates and access to poles has been on the Commission's to-do list for longer than I've been here—and that's a long time. Pole attachments are without a doubt one of the critical inputs when communications providers assess the economics of deploying advanced telecommunications networks. Now, finally, and thanks to the leadership of the Chairman and the hard work of the staff, we can check it off the list. Today's action should do a lot to promote our ambitious broadband deployment goals. And, by the way, accelerating the roll out of advanced telecommunications services *is* exciting.

Our experience over the past fifteen years has demonstrated a need for a more detailed framework to govern pole attachments. I believe these revisions of the pole attachment rules will promote a more competitive broadband market and spur broadband's availability throughout the country. To that end, we establish a more balanced process to ensure timely and non-discriminatory access to poles for both wireline and wireless attachers, which will go a long way toward removing uncertainty and minimizing delays that have frustrated deployment. The disparities in pole attachment rates for different providers have also been a source of confusion and litigation, and hopefully the clarity we add today will discourage such outcomes. The provision in this item of a mechanism to ensure that incumbent local exchange carriers will have a forum to seek Commission remedies for rates that they believe to be unjust and unreasonable is a good step in the right direction.

We should always be mindful of, and build upon, the successful experiences at local and state levels. This much we know: in order to spread the wonders of broadband to every corner of this country we are going to need a set of best practices in place that will both expand the reach and reduce the costs of deployment. While we spirit ahead to make broadband a reality, we need to be cognizant of the authority that local, state and Tribal entities have over rights-of-way and the siting of wireless facilities. In beginning this conversation today with the Notice of Inquiry just presented by the Bureau, we need to be mindful of not impinging on local rights as we keep our important broadband objectives front-and-center. We need the right questions asked, the right data gathered and the input from all the relevant stakeholders. Getting high-speed, value-laden broadband out to every citizen in the land is, if it is to become reality, a partnership exercise—just as all the major infrastructure build-outs in this country have been, going back to the very beginning. That means the private sector and the public sector—the pubic sector including the federal, state and local levels. Working together, we can get this job done and keep the United States a world leader in technology, innovation and consumer opportunity.

My thanks to the Bureau for its hard work here and to the Chairman for bringing us another critical component of the National Broadband Plan.

STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL

RE: *Implementation of Section 224 of the Act*, WC Docket No. 07-245, *A National Broadband Plan for Our Future*, GN Docket No. 09-51

RE: *Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Government Rights of Way and Wireless Facilities Siting*, WC Docket No. 11-59

While not the most exciting of issues, the Commission's pole attachment rules are nonetheless critical to our nation's broadband deployment effort. I, therefore, commend the Chairman for re-opening the pole attachment debate last spring and following through with some concrete decisions.

Our action today will help promote continued broadband deployment throughout our country.[1] Our guidance regarding so-called "make ready work" will provide more certainty, help streamline the process and ultimately speed new entrants' efforts to deploy broadband. Also, the Commission's use of its authority under Section 224 of the Act to adopt a new telecommunications pole rental rate formula - generally lowering the attachment rate to the current "cable rate" - will more effectively encourage competition in broadband deployment.

In concept, I would have liked to have seen a similar move to parity in regard to pole attachment rental rates for ILECS. But I understand that not all of the ILECS may be similarly situated vis-à-vis their competitors, because the ILECs are also pole owners and may enjoy certain benefits due to their joint use agreements with the utilities. On the other hand, this order still does provide some relief to ILECs and their customers, where appropriate. Pursuant to our action today, the ILECs will now have an opportunity to file complaints with the FCC and argue why the rates, terms or conditions in their agreements with the utilities are not just and reasonable, as allowed by Section 224.

Regarding a related matter before us today, I hope the Notice of Inquiry on public rights of way solicits useful information that can assist the FCC's continued efforts to encourage broadband deployment. I caution, however, that the FCC should be mindful of its limitations and only use this information in areas where it has jurisdiction.

In sum, I commend all of the staff who worked so diligently on all of these infrastructure issues and look forward to working with my colleagues as we learn from the various stakeholders who file in response to the notice.

[1] The nationwide effect of this order is limited. For example, the Commission can only exert jurisdiction over pole attachment issues in areas where these access issues are not regulated by a state. *See* 47 U.S.C. § 224(c). Also, pole attachment arrangements that involve cooperatives are not under our jurisdiction. *See* 47 U.S.C. 224(a)(1). Nevertheless, each incremental move will make a difference in America's broadband deployment numbers.

STATEMENT OF COMMISSIONER MIGNON L. CLYBURN

RE: *Implementation of Section 224 of the Act*, WC Docket No. 07-245, *A National Broadband Plan for Our Future*, GN Docket No. 09-51

RE: *Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Government Rights of Way and Wireless Facilities Siting*, WC Docket No. 11-59

Today we take an important step to promote broadband deployment and competition, and both wireline and wireless consumers stand to gain. Through our adoption of specific timeframes for access to poles, broadband providers will be better positioned to plan their network deployments and upgrades. As a result, they will be better able to serve their customers and meet their broadband demands. Moreover, by addressing the disparate pole rental rates paid by service providers, we are establishing a more evenhanded opportunity for providers to compete with one another based on their offerings and prices.

I spent a great deal of time considering the arguments on both sides concerning the joint use agreements that utilities and incumbent local exchange carriers ("ILECs") rely upon for access to one another's poles. At face value, parity for ILECs is an attractive proposition, especially considering the policy rationale of a level playing field for all broadband competitors.

However, I was persuaded that joint use agreements are not just simple pole attachment contracts. They are joint *ownership* agreements. Some of these agreements have significant histories, as they are decades old. Accordingly, I agree with the guidelines we establish in this Order that set forth a series of factors for the Commission to consider in determining whether the existing rates are just and reasonable in a complaint proceeding. To the extent that ILECs benefit from our oversight of these agreements through decreased pole expenses, consumers should be the beneficiaries through additional deployment, decreases in service prices, or network upgrades to faster broadband speeds. As such, it is only appropriate that industry provide us with regular updates on how they are passing these benefits on to consumers.

I also support the Notice of Inquiry we adopt today that seeks detailed information on the management of public rights of ways and the siting of wireless facilities. I believe it is important for the Commission to gather this data as part of our Broadband Acceleration Initiative.

While it is essential to learn how long it takes and how much it costs for broadband providers to obtain the necessary approvals from a local jurisdiction to build a new tower or access conduit under a street, I believe it is equally imperative for the Commission to fully understand the policy rationales for these processes and costs. Gathering and analyzing the data should not be done in a vacuum. We must also commit ourselves, to work in partnership, with our counterparts in state and local governments, other federal agencies, and Tribal governments on these issues. We can achieve our common goal of promoting broadband service to residents and anchor institutions by working together.

STATEMENT OF COMMISSIONER MEREDITH ATTWELL BAKER

RE: *Implementation of Section 224 of the Act*, WC Docket No. 07-245, *A National Broadband Plan for Our Future*, GN Docket No. 09-51

RE: *Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Government Rights of Way and Wireless Facilities Siting*, WC Docket No. 11-59

There are very few concrete steps this Commission can take to promote broadband deployment. The pole attachment proceeding is one of them, and I support our efforts to provide greater certainty and competitive parity in the pole attachment process. We must always act in a manner that reflects the critical safety and reliability interests of the utilities, and I believe we struck the proper balance in this Order.

We take important steps to provide clarity to all stakeholders on wireless attachment rates, timelines, and pole top access issues. The ability to leverage utility poles may be critical for next-generation wireless build-out to fill coverage holes, to more efficiently re-use spectrum, and to take advantage of distributed antenna systems. This is the type of action needed to help us achieve our collective goal of nationwide 4G coverage, and promote greater mobile broadband competition and efficient spectrum policy. We importantly make clear that utilities retain their statutory right to ensure the safety and reliability of their core networks. I expect wireless operators and utilities to work collaboratively to protect electric networks while facilitating access to these new technologies and services.

I also support the effort to raise the profile of important rights of way issues in the accompanying Notice of Inquiry. While our authority to act in this area is limited, the Commission does have a role to highlight impediments to broadband deployment, and I am hopeful we can partner with industry, states and localities to address these challenges together.