

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

In the Matter Of)	
)	
Accelerating Wireline Broadband)	WC Docket No. 17-84
Deployment by Removing Barriers to)	
Infrastructure Investment)	
)	

**COMMENTS OF THE
SCHOOLS, HEALTH & LIBRARIES BROADBAND (SHLB) COALITION**

The Schools, Health & Libraries Broadband (SHLB) Coalition welcomes the opportunity to submit comments in response to the Federal Communication Commission’s (Commission) Second Further Notice of Proposed Rulemaking on removing barriers to infrastructure investment. The SHLB Coalition supports the proposed rulemaking and commends the Commission’s efforts to address the many issues facing those involved in the pole attachment process to achieve clarity regarding pole replacement cost allocation.

The SHLB Coalition’s mission is to promote open, affordable, high-quality broadband to anchor institutions and their communities in support of bridging the digital divide in this country.¹ At a time when access to high-speed Internet is imperative for functioning societies to thrive, this goal has never been more important. The COVID-19 pandemic additionally

¹ The SHLB Coalition is a public interest coalition consisting of more than 300 member organizations. SHLB Coalition members include representatives of schools, libraries, health care providers and telehealth networks, state broadband offices, private sector companies, state and national research and education networks, consulting firms and consumer organizations. See <http://shlb.org/about/coalition-members> for a current list of SHLB Coalition members.

exacerbated the importance of fast and reliable Internet as more Americans rely upon telehealth services, remote learning, and telework. Many families, schools, libraries, and healthcare facilities, however, are located in areas where new broadband infrastructure is unavailable, difficult, or costly to obtain at the rate necessary to solve their urgent needs. Leveraging existing infrastructure such as utility poles can reduce the costs of deployment and help to solve this digital disparity.

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I. INTRODUCTION

Broadband providers often encounter issues that either delay or halt their build-out projects entirely. High make-ready costs, disputes between pole owners and communications attachers, and unclear rules and policies regarding pole replacements all too often hinder the advancement of broadband deployment needed to close the digital gap. Given these challenges, the SHLB Coalition encourages the Commission to assist in streamlining and clarifying the pole replacement process as a means to balance the interests among pole owners, broadband providers, and anchor institutions to create equitable and efficient solutions. Further, due to the importance that utility poles play in broadband access, effective regulation governing pole attachments, including replacement costs, is crucial to overall deployment as well as to the success of the federal funding being provided through various programs such as the Infrastructure Investment and Jobs Act (IIJA) and the Rural Digital Opportunity Fund (RDOF). If pole access is not timely or the cost of access is excessive, an entire broadband build and the impact of these federal funds will be in jeopardy.

To assist future deployment efforts under these programs, the Commission should create cost allocation standards for pole replacements that achieve equity among the parties involved. Additionally, these standards should encourage efficiency from the beginning stages of a pole attachment project. Finally, the Commission should expedite its resolution process for pole attachment and replacement disputes, and strongly encourage states to utilize pole attachment working groups or review boards to help mediate and resolve disputes as they arise.

II. NTIA PROMOTES THE USE OF EXISTING UTILITY POLES THROUGH THE INFRASTRUCTURE INVESTMENT AND JOBS ACT

The Commission must expand upon and clarify its regulations regarding allocation of pole replacement costs to avoid possible delays in funding of high-speed, affordable broadband. The recently enacted IJA grants an additional influx of federal funds to the states for public investment in broadband infrastructure.² Among the programs championed by the IJA, the Broadband Equity, Access, and Deployment program administered by the National Telecommunications and Information Administration (NTIA) highlights the importance of pole utilization in a state's deployment proposal. Specifically, this program requires funding recipients to promote use of existing infrastructure and to streamline access to existing utility poles as a means to remove both time and cost barriers for new broadband projects.³ As such, NTIA recognizes that pole attachments are integral to the success of this funding. Inconsistent and unclear rules regarding the nuances of pole replacement costs, if left to the current standards, will hinder the full scope of success of the IJA's investment as future pole projects may be delayed, cut short, or canceled outright if costs are not reasonable and disputes are not resolved quickly during the negotiation stage.

² The IJA investment is only one of numerous other federal programs that are already supporting deployment of new broadband infrastructure. Programs currently in place include the Coronavirus Capital Projects Fund, state and municipal broadband infrastructure projects under the Coronavirus State and Local Relief Funds authorized by the American Rescue Plan, the National Telecommunications and Information Administration's Broadband Infrastructure Program, Connecting Minority Communities Pilot Program and Tribal Connectivity Program, the Rural Utilities Service's ReConnect program, and the Commission's Rural Digital Opportunities Fund.

³ NAT'L TELECOM. & INFO. ADMIN. (NTIA), U.S. DEPT. OF COMMERCE, NOTICE OF FUNDING OPPORTUNITY, BROADBAND EQUITY, ACCESS, AND DEPLOYMENT PROGRAM EXECUTIVE SUMMARY, 32, ¶ 14, <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf> (stating that when an eligible entity submits its initial proposal for funding, it must at a minimum "[i]dentify steps that [it] will take to reduce costs and barriers to deployment, promote the use of existing infrastructure, promote and adopt dig-once policies, streamline permitting processes and cost-effective access to poles, conduits, easements, and rights of way, including the imposition of reasonable access requirements.").

III. POLE ATTACHMENT AND REPLACEMENT COST DISPUTES CAN STYMIE BROADBAND DEPLOYMENT TO DISADVANTAGED COMMUNITIES AND ANCHOR INSTITUTIONS

The Commission's commitment to resolve pole replacement cost allocation uncertainties is vital to the success of widespread broadband deployment. Future policies governing third party access to utility poles through equitable and efficient cost considerations would not only significantly impact the pace of deployment but would also contribute to the success of connecting unserved and underserved communities, including anchor institutions.

Broadband deployment projects are often stymied when a project requires a complete pole replacement and the parties disagree about how to allocate the associated costs between them. When these disputes arise, the attacher is often the one deciding to forego the project completely since a replacement cost, on top of all other make-ready costs, presents an unforeseen expense that it cannot accommodate. For example,

- The Imperial County Office of Education in California (ICOE) initiated negotiations with a local publicly owned utility district during the 2017-2018 school year for a utility pole attachment project to connect three of its most remote schools: Magnolia, Mulberry, and Pine School. The pole owner, however, had not monitored the load capacity on its existing poles. Instead, ICOE was required to hire a contractor to perform pole load studies, which cost approximately \$100,000.00. The results from the pole load analysis showed that close to fifty poles failed the load test. At the time, cost estimates to replace the failed poles were approximately \$1.4M. For this reason, ICOE could not proceed to complete the project and had to consider alternative solutions to increase capacity to these schools.

- In Socorro County, New Mexico, (which was identified as the second worst connected county in the state by a recent survey),⁴ the school district secured proposals for broadband infrastructure upgrades to connect two of its rural elementary schools to fiber optic-based internet. Due to exorbitant and unexpected pole replacement costs, however, the district ultimately had to abandon the projects. The engineering and consulting firm that conducted the survey noted that the poles in Socorro county are “collectively the worst poles [they’ve] seen anywhere, although other communities also wrestle with this same problem.”⁵ Due to the fallout of the project, the schools are the only two in the state without a funded broadband project to build fiber to upgrade their community’s access.
- In New York state, a small Internet service provider (ISP) was required to both survey and replace several poles at a cost of \$6,000 to \$18,000 per pole, even though they would remain owned by the utility.⁶ This imposed significant costs on the small ISP.
- A California fiber ISP whose mission is to bring fiber broadband networks to rural and remote areas experienced serious time delays and a large increase in project expenses when an investor-owned utility revealed that hundreds of its poles in some very rural and remote areas did not have test and treat survey inspections in a decade or more. This caused substantial delays in bringing broadband service to unserved

⁴ Cathy Cook, *Socorro County has the Second Worst Broadband Access in New Mexico, According to Report*, EL DEFENSOR CHIEFTAIN (Aug. 5, 2021), <https://dchieftain.com/socorro-county-has-the-second-worst-broadband-access-in-new-mexico-according-to-report>.

⁵ *Id.*

⁶ Johnny Kampis, *Regulators Stifle Broadband Expansion with Exorbitant Pole Attachment Fees*, THE LIVINGSTON PARISH NEWS, Mar. 5, 2021, https://www.livingstonparishnews.com/opinion/editorials/opinion-regulators-stifle-broadband-expansion-with-exorbitant-pole-attachment-fees/article_5b49e3f0-7a24-11eb-b858-6be303598004.html.

communities during the COVID-19 pandemic. Further, this high pole failure meant that the project expense forecasts were too low, and so the return on investment went from 7-9 years upward to a level that made the project almost uneconomical.

- In Pomeroy, Washington, the Port of Garfield (POG) was charged various high make-ready costs when negotiating for certain pole attachment projects. Specifically, POG had to pay \$411.00 per pole for the pole owner to bond the streetlights, even though its attachment request did not directly necessitate this work. These fees, along with costs associated to conduct additional pole load studies, were unavoidable if POG wanted to attach to these poles. The alternative would have been to bypass the pole, but at a much greater cost.

In its rulemaking, the Commission expresses concern as to whether increased regulation of pole owners to share in the cost of pole replacements would hinder pole negotiations and ultimately delay expansion of broadband deployment. However, the above examples highlight that pole owners may already discourage these negotiations by placing unexpected, unpredictable, and inequitable replacement costs squarely on the shoulders of a new communications attacher, often causing them to forego the project. Regardless of who walks away, the unfortunate reality of the current status quo is that it fundamentally disadvantages those students, families, and surrounding communities who are the intended beneficiaries of the broadband project.

IV. POLE REPLACEMENT COST ALLOCATION SHOULD BE EQUITABLE AND EFFICIENT

The SHLB Coalition believes that certain principles, if adopted, can streamline the pole attachment process, and promote cost-efficient access to poles. On September 2, 2021, the SHLB

Coalition filed a letter with the Commission outlining various pole attachment recommendations that extend to pole replacement cost issues as well as to other considerations regarding barriers to pole access.⁷ These principles attempt to reflect a balance of interests among the various parties involved in pole attachment negotiations. In line with these proposals and the concerns raised by the Commission in the current proceeding, the SHLB Coalition calls on the Commission to expand on its current pole attachment rules and reform pole replacement cost allocation standards to achieve equitable and efficient solutions for both pole owners and new communications attachers.

A. Pole Replacement Costs Should Be Equitable Among Pole Owners and Communications Attachers

The SHLB Coalition urges the Commission to establish cost allocation standards for pole replacements that are first and foremost equitable for all parties. Section 224 of the Communications Act grants authority to the Commission to regulate the rates, terms, and conditions for pole attachments so that they remain just and reasonable.⁸ Pole owners, however, often try to place sole responsibility for replacement costs on the last pole attacher, even though they are afforded no future ownership or stake in that infrastructure. This reflects neither just nor reasonable rates, terms, or conditions in the pole attachment process as the Commission intended under Section 224. Most recently, the Wireline Competition Bureau (Bureau) issued a narrow Declaratory Ruling, clarifying that Section 224 would not impose the entire cost of a pole replacement on a new attacher when that attacher is not the sole cause of the replacement (as is

⁷ *SHLB Ex Parte Notice with Pole Attachment Principles to Expedite Broadband Attachments for Anchor Institutions and Their Communities*, WC Docket No. 17-84 (Sept. 2, 2021) (attached).

⁸ See 47 U.S.C. § 224. This authority does not extend the Commission's jurisdiction over pole attachments where such rates, terms, and conditions are regulated by a state and does not extend to poles owned by municipalities or cooperatives.

the case when a pole replacement is required due to a preexisting violation).⁹ While this ruling was helpful, the Bureau determined that a rulemaking was the appropriate forum to more fully address the many situations where the requesting attacher should not be required to pay for the full cost of a pole replacement.¹⁰ Although the Commission has initiated several reforms governing cost allocation for certain pole modifications, including replacements,¹¹ it must now provide additional guidance so that pole rates are just and reasonable.

To achieve justness in these negotiations, the Commission should consider that replacement costs be applied equitably in some fashion between owners and new communications attachers. First, imposing an entire replacement cost (especially for older poles) on the new attacher unfairly subsidizes the pole owner, as it would have otherwise been responsible for that replacement. Second, when a new broadband attachment precipitates a pole replacement that is required for expanded capacity, both the pole owner and attacher clearly benefit. The attacher receives access to the pole and its existing location, enabling it to deploy much-needed services to its customers. The owner benefits by acquiring a new pole that is free from damage, decay, or other conditions, and which can serve as a means for the owner to upgrade its own facilities and secure capacity for additional broadband attachers. In the case where a pole replacement is precipitated by a new attacher's request and there is considerable

⁹ *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Declaratory Ruling, 36 FCC Rcd 776, 777, ¶ 3 (WCB 2021).

¹⁰ *Id.* at 783, ¶ 11.

¹¹ For example, the Commission determined that costs associated with pole modifications undertaken for a particular party's benefit should be assumed by the benefitting party. *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket Nos. 96-98, 95-185, Report and Order, 11 FCC Rcd 15499, 16077, 16096, ¶¶ 1166, 1211 (1996) (*Local Competition Order*). If a utility decides to modify a pole for its own benefit and no other existing attachers derive a benefit, the utility would bear the full cost. *Id.* at 16077, ¶ 1166. Further, if an existing attacher uses a pole modification precipitated by another party as an opportunity to also modify its own attachments or expand its use of the facilities (or if an existing attacher or the utility uses a modification to bring its facilities into compliance with safety standards), the Commission clarified that the existing attacher or utility should share in the costs of the pole modification. *Id.* at 16077, ¶ 1166 and 16096-97, ¶ 1212. The Commission adopted certain cost sharing principles and codified them in 47 CFR § 1.1408(b).

“life” remaining on the pole, the Commission could set equitable cost allocation standards whereby the new attacher is responsible for paying a proportional share of the remaining life of the pole to compensate the owner for unexpected, up-front costs directly related to its early retirement. Any additional make-ready work for new attachers should not include those costs directly related to correcting any pre-existing violations, damage, or other concerns or conditions caused by either the pole owner, its licensees, or other joint users.

B. Cost Allocation Standards for Pole Replacements Should Encourage Efficiency

The Commission should additionally adopt cost allocation standards that encourage efficiency. For example, the full scope of a pole owner’s attachment procedures, including applications, project timelines, and a list of costs related to both make-ready and replacement work should be transparent from the beginning of a project. Records calculating the remaining life of the pole and the owner’s estimated retirement schedule should be kept current and made readily available to the communications attacher up front. Pole owners should also maintain adequate records of and share any data that is necessary for the calculation of fair and reasonable rental charges. Such information contributes to the predictability of the project and allows the attacher an opportunity to efficiently assess whether it can successfully move forward without incurring exorbitant costs.

V. THE COMMISSION SHOULD EXPEDITE DISPUTE RESOLUTION FOR POLE ATTACHMENTS AND REPLACEMENTS AND ENCOURAGE POLE ATTACHMENT WORKING GROUPS

Even with carefully crafted pole replacement cost allocation standards in place, disputes between pole owners and communications attachers may still occur during the negotiation process. Protracted disputes that take considerable time to resolve will only delay, rather than accelerate, the deployment of broadband. Accordingly, the Commission should expedite its own

resolution process with a presumption that all pole access disputes for active deployments be placed on the Accelerated Docket, rather than leaving this decision to staff's sole discretion as it is under the current complaint process.¹²

Additionally, the Commission should strongly encourage states that regulate their pole attachment process to utilize alternative techniques to resolve issues related to pole attachments, including replacements, at the local and state level. For example, certain states have implemented pole attachment working groups whereby various stakeholders meet to discuss deployment issues and resolve potential disputes. Among these are Massachusetts, which established a make-ready working group, an effort initiated in 2018 by Governor Charlie Baker and Lieutenant Governor Karyn Polito, and managed by the Massachusetts Broadband Institute.¹³ The working group consists of various stakeholders including utility companies, internet service providers, and construction contractors, who regularly hold meetings to discuss pole attachment practices, and escalate any issues that arise during negotiations.¹⁴ Likewise, the Pennsylvania Public Utility Commission (PPUC) established its own pole attachment working group. This group was created “to ensure that the [PPUC] remains apprised of industry and public concerns, to ensure that changes to the federal pole attachment rules are properly vetted before becoming effective in Pennsylvania, and to provide feedback to the [PPUC] on the functioning of its regulations and dispute resolution processes as they relate to pole attachments.”¹⁵

¹² See 47 C.F.R. § 1.736(a) (2018) (stating that “parties to a . . . pole attachment complaint proceeding against a cable television system operator, a utility, or a telecommunications carrier, may request inclusion on the Accelerated Docket. Proceedings on the Accelerated Docket must be concluded within 60 days, and are therefore subject to shorter pleading deadlines and other modifications to the procedural rules that govern formal complaint proceedings.”)

¹³ *Partnering to Accelerate Broadband Deployment in Massachusetts*, CHARTER COMMUNICATIONS, June 6, 2022, <https://policy.charter.com/partnering-to-accelerate-broadband-deployment-in-massachusetts>.

¹⁴ *Id.*

¹⁵ PENN. PUBLIC UTILITY COMM., L-2018-3002672, *Opinion and Order*, Apr. 16, 2020, <https://www.puc.pa.gov/search/document-search/> (type “L-2018-3002672” into Docket Number; then follow “Order - 3019408 – Pole Attachment Working Group Appointment Order” hyperlink); see also 52 Pa. Code § 77.7 (2020).

Encouraging states to adopt their own variation of a working group would create a one-stop shop for consistent review of pole attachment policies, and provide a neutral space for pole owners and attachers alike to work together to resolve disputes, rather than to walk away completely. These working groups could invite stakeholders to convene on a voluntary basis.

VI. CONCLUSION

The SHLB Coalition strongly supports the efforts of Congress and the Commission to bridge the digital divide by continuing to promote widespread, affordable broadband deployment, including to anchor institutions and their communities. Clearing the way for use of existing infrastructure, like utility poles, is crucial to advancing this goal. But there are still challenges that must be overcome for negotiating parties to push the project forward. Too often, attachers face the all or nothing choice of whether to pay for a pole replacement in full or abandon the project and forego access. Through its rulemaking, the Commission should create equitable cost allocation standards for pole replacements that encourage efficiency and transparency from the beginning stages of a pole attachment project. The Commission should also expedite its resolution process for pole attachment and replacement disputes, and strongly encourage pole attachment working groups or voluntary state review boards to mediate and resolve disputes as they arise.

Respectfully submitted,



Kristen Corra
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SHLB Coalition
1250 Connecticut Ave. NW, Suite 700
Washington, DC 20036

June 27, 2022



September 2, 2021

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street, NE
Washington, D.C. 20554

Re: SHLB Ex Parte Notice with Pole Attachment Principles to Expedite Broadband Attachments for Anchor Institutions and Their Communities - WC Docket No. 17-84

Dear Ms. Dortch:

The Schools, Health & Libraries Broadband (SHLB) Coalition¹ is pleased to submit this letter and attached document into the record of the above-referenced proceeding, WC Docket No. 17-84. SHLB strongly supports the Federal Communications Commission's (FCC's) efforts to solve the Digital Divide by promoting widespread broadband deployment and affordable service to all areas of the United States. Unfortunately, the high costs and delays in gaining access to poles often hinder the ubiquitous broadband deployment that is so urgently needed. SHLB observes that the United States has not yet reached Goal #4 in the National Broadband Plan to make gigabit connectivity available to the nation's community anchor institutions. Our members report that the pole attachment and replacement problems – due in part to the lack of clarity around the policies and rules – often deter and delay efforts to upgrade their broadband connections and services for anchor institutions, especially in rural markets.

To address these ambiguities, the SHLB Coalition convened a group of its members to draw up the attached principles to guide pole attachment and replacement policies and procedures going forward.² The principles attempt to reflect a balance of interests among state and local governments, pole owners, broadband providers, and anchor institutions. For instance, we recognize that state and local governments have been working to improve their pole attachment practices, but they often lack the resources to handle the increase in pole attachment requests. The principles thus call for additional funding for pole owners to help expedite their pole attachment decision-making and implementation. The principles also call for non-discriminatory treatment of broadband service providers and pole owners to avoid favoring one sector over another. The principles recommend the adoption of just and reasonable rates for pole access that reflect actual costs. The principles also suggest that the costs of

¹ The Schools, Health & Libraries Broadband (SHLB) Coalition is a non-profit public interest group with about 300 members from around the United States. We support open, affordable, high-quality broadband for anchor institutions and their surrounding communities. More information and a list of our members is available at www.shlb.org.

² While SHLB Coalition members participated in these discussions, these principles are submitted on behalf of the SHLB Coalition alone and should not be attributed to any of its members. The SHLB Coalition is an independent public interest group and is not a trade association.

pole replacement should be shared equitably among pole owners and attachers. Moreover, the principles encourage process reform in order to expedite the resolution of pole-related complaints and disputes.

The SHLB Coalition respectfully submits these principles and requests that the FCC move forward with a rulemaking proceeding to address these critical gating issues in the near future. As of this writing, Congress is on the verge of enacting significant infrastructure legislation that would appropriate several billion dollars for broadband deployment and to make broadband service more affordable. Clarifying the nation's pole attachment policies – along the lines of the attached principles – could go a long way toward solving the Digital Divide and fulfilling Congressional intent.

Sincerely,

A handwritten signature in black ink that reads "John Windhausen, Jr." The signature is written in a cursive style with a prominent initial 'J' and a trailing flourish.

John Windhausen, Jr.
Executive Director
Schools, Health & Libraries
Broadband (SHLB) Coalition
1250 Connecticut Ave. Suite 700
Washington, DC 20036

Attachment

cc: Travis Litman



POLE ATTACHMENT PRINCIPLES TO EXPEDITE BROADBAND DEPLOYMENT TO ANCHOR INSTITUTIONS AND THEIR COMMUNITIES

June 28, 2021

The policies governing access to utility poles can have a significant impact on the pace of broadband deployment to unserved and underserved markets. Providing a consistent framework, while recognizing the variety of circumstances that affect local pole attachment costs, can help to streamline the pole attachment process and expedite broadband deployment to anchor institutions and their surrounding communities. The SHLB Coalition urges policy-makers and pole owners to incorporate the following principles into their pole attachment policies.

1. All Pole Owners Should Be Subject to Comparable Rules Governing Pole Access.

- All pole owners should be required to offer reasonable rates, terms and conditions for pole access, with the goal of parity between the rules governing investor-owned utilities (IOUs) and those applicable to other pole owners, including cooperatives and municipalities.
- Although the FCC regulates IOUs, many utility poles are owned and operated by other entities, including cooperatives and municipalities, not currently regulated by the FCC.

2. Electric and Telephone Easements and Public Rights of Way Should Be Made Available for Broadband.

- In jurisdictions where easements and public rights of way for electric or telephone infrastructure are limited to electric and/or telephone wires, they should be expanded to encompass broadband and communications facilities as well.

3. Rates, Terms and Conditions for Pole Access Should Be Just, Reasonable, Predictable, and Prompt.

- State and local governments should use their authority over access to poles to apply the FCC's rules regarding pole access and make-ready for all pole owners -- including IOUs, municipal utilities and cooperatives. FCC rules are well-developed, have received extensive consideration by an expert agency, and have been the subject of input from all stakeholders. This includes "self-help" remedies and "one-touch make-ready" options that allow attachers to proceed promptly and safely without unnecessary delays. State and local governments should be incentivized to implement these FCC rules and policies.
- Timelines and application procedures for accessing poles, including for the completion of make-ready work, should be predictable and prompt and should provide some flexibility. Denials of access must be specific and reasonably based upon safety, reliability, engineering, or capacity considerations.

- If a pole owner requires a written agreement to attach to poles, it should be required to negotiate such agreements in good faith, including updating those agreements to incorporate reforms to pole attachment rules that occur during the contract term.

4. Pole Attachment Rates, Terms and Conditions Should be Non-discriminatory and Rates Should be Cost-based.

- Federal, state and local regulators should ensure that pole owners do not use their ownership of key facilities to impede broadband competition.
- In general, pole owners should be required to extend comparable rates, terms and conditions of access to everyone—including those rates, terms and conditions that are provided to their own affiliates, their business partners, and for the purpose of deploying their own networks.
- In general, pole attachment rates should reflect actual costs – non-recurring charges should reflect the actual immediate costs of make-ready work, and recurring rates should reflect a portion of the actual long-term costs of pole installation, maintenance, ownership and replacement.

5. To support broadband deployment, federal, state and local infrastructure funding should be made available to help defray pole make-ready and pole replacement costs.

- Funding should be made available to pole owners and broadband providers to help jumpstart the deployment of broadband infrastructure in unserved areas of the country. Such funding will help to reduce the costs associated with broadband deployment, thereby increasing the accessibility and affordability of broadband service.
- Broadband providers should be able to partner with pole owners to leverage infrastructure funding for pole replacements and make-ready in order to expedite broadband deployments.

6. Pole Capacity Should Be Expanded When Necessary and Costs Should be Shared Fairly

- Poles that are too short, crowded or not strong enough to support new broadband facilities should be replaced or reinforced so that broadband can be deployed where it is needed.
- Costs for expanded capacity should be shared equitably.
- The cost of replacing older poles should not be borne entirely by new or existing attachers. Imposing the entire pole replacement costs on new or existing attachers unfairly subsidizes the pole owner's plant (as the pole owner would have otherwise been responsible for replacement) and unreasonably drives up the cost of new broadband and communications deployment. Pole owners share in the benefits of pole replacements,

particularly by avoiding certain future replacement and maintenance costs, and should contribute to pole replacements accordingly.

- Make ready work for new attachers should not include costs for correcting pre-existing violations of licensors, licensees, or joint users.

7. Engineering and Safety Requirements Should Be Reasonable and Transparent.

- Pole owners' safety and engineering standards should be reasonable given local conditions—and should be based upon genuine safety and engineering considerations. Safety and engineering codes should not be used by pole owners as a pretext to force attachers to pay for improvements, or to make it more difficult for attachers to offer competing services.
- Safe temporary attachments and extension arms should be permitted to allow broadband to be extended to unserved areas pending completion of make-ready work on poles.
- Pole owners and providers should coordinate and use third party resources if necessary to expedite the engineering and permitting process.

8. Overlapping Should Be Permitted Upon Notice, Without Separate Application Requirements.

- Overlapping—*i.e.*, adding a new attachment to an existing one—helps speed broadband deployment by enabling broadband facilities to be deployed simply and safely, as long as overlapping follows generally accepted safety and engineering standards.

9. Regulators Should Make Prompt Dispute Resolution Available for Pole Access Disputes.

- Sensible pole access and attachment rules will only help speed broadband deployment if they are followed and enforced. Disputes must be resolved by regulators quickly.
- Policy-makers should include all stakeholders in the process of developing and implementing pole attachment policies.

10. Pole Owners Should Keep Sufficient, Timely Records to Calculate Recurring Rates, and Make the Records Available.

- Sensible rules governing just and reasonable rental charges for poles are only meaningful if pole owners maintain and share the data necessary to calculate those rates fairly and accurately.
- The process of rate calculation should be fair and transparent.

For questions about these Pole Attachment Principles, please contact John Windhausen, Executive Director, SHLB Coalition, at jwindhausen@shlb.org.