



# PUBLIC NOTICE

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## WIRELINE COMPETITION BUREAU ANNOUNCES EFFECTIVE DATE OF ORDER INSTITUTING “ONE-TOUCH-MAKE-READY” REGIME FOR POLE ATTACHMENTS

WC Docket No. 17-84, WT Docket No. 17-79

On August 3, 2018, the Federal Communications Commission released a Third Report and Order (*Third Wireline Infrastructure Order*) that updated the Commission’s pole attachment access rules, including adoption of a new “one-touch-make-ready” (OTMR) regime for the vast majority of pole attachments governed by federal law.<sup>1</sup> By instituting OTMR, in which the new attacher may opt to perform all work to prepare a pole for a new attachment, this new framework will accelerate broadband deployment and reduce costs by allowing the party with the strongest incentive to prepare the pole to efficiently perform the work itself.<sup>2</sup>

On April 15, 2019, the Commission received Office of Management and Budget (OMB) approval for the revised pole attachment access rules. The Federal Register published the announcement of OMB approval on April 19, 2019.<sup>3</sup> As ordered in the *Third Wireline Infrastructure Order*, the rules take effect 30 days after announcement in the Federal Register of OMB approval (or six months after the release of the item, whichever is later).<sup>4</sup> Therefore, the rules are effective as of today, **May 20, 2019**.

Specifically, the new pole attachment access rules that become effective today:

- Permit new attachers to elect an OTMR process for simple make-ready for wireline attachments in the “communications space” on a pole.
  - Establish safeguards in the OTMR process to promote coordination among the parties and ensure that new attachers perform work safely and reliably.
- Retain a multi-party process for other new attachments where safety and reliability risks are greater, while making some modifications to speed deployment.

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<sup>1</sup> *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Third Report and Order and Declaratory Ruling, 33 FCC Rcd 7705, 7711-75, paras. 13-139 (2018) (*Third Wireline Infrastructure Order*).

<sup>2</sup> *Id.* at 7706, para. 1.

<sup>3</sup> *Accelerating Wireline Deployment by Removing Barriers to Infrastructure Investment*, 84 Fed. Reg. 16412, 16413 (April 19, 2019).

<sup>4</sup> *Third Wireline Infrastructure Order*, 33 FCC Rcd at 7773-74, para. 136.

- Codify the Commission’s existing precedent that permits attachers to “overlash” existing wires without first seeking the utility’s approval while allowing the utility to request reasonable advance notice of overlashing.<sup>5</sup>

For further information, please contact Adam Copeland, Wireline Competition Bureau, Competition Policy Division, at (202) 418-1037 or via e-mail at [Adam.Copeland@fcc.gov](mailto:Adam.Copeland@fcc.gov).

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<sup>5</sup> For additional information regarding these rules, please see Sections III.A.-B of the *Third Wireline Infrastructure Order*. *See id.* at 7711-67, paras. 13-122. On January 28, 2019, OMB separately approved the information collection associated with the Commission’s establishment of a presumption that for newly-negotiated and newly-renewed pole attachment agreements, incumbent local exchange carriers will receive pole attachment rates, terms, and conditions comparable to those received by similarly situated telecommunications attachers. *See id.* at 7767-71, paras. 123-29. The Federal Register published the announcement of OMB approval on February 7, 2019. Accelerating Broadband Deployment by Removing Barriers to Infrastructure Investment, 84 Fed. Reg. 2460. The amended rate presumption rule, 47 CFR §1.1413, went into effect on March 11, 2019.