



PUBLIC NOTICE

**Federal Communications Commission
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Washington, DC 20554**

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DA 26-9

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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON A PETITION FOR PREEMPTION AND DECLARATORY RULING FILED PURSUANT TO SECTION 253 OF THE COMMUNICATIONS ACT

WC Docket No. 26-1

Comments Due: February 4, 2026

Reply Comments Due: March 6, 2026

The Wireline Competition Bureau seeks comment on a petition for preemption and declaratory ruling filed by Gigapower, LLC (Gigapower)¹ pursuant to section 253(d) of the Communications Act (Act).² The Petition states that Gigapower is deploying a fiber network to the City of Rock Hill, South Carolina (the City),³ and has entered into both a franchise agreement with the City that “grants to Gigapower a non-exclusive franchise to construct, maintain, and operate its telecommunications lines in the City’s public rights-of-way to provide telecommunications services”⁴ and a pole attachment agreement that allows Gigapower to submit applications to attach fiber telecommunication lines to City-owned poles.⁵ The Petition asserts that Gigapower has submitted pole attachment applications to the City pursuant to these agreements, and that the City has responded by redlining the applications to impose requirements that effectively prohibit Gigapower from providing telecommunications services in violation of section 253(a).⁶ Specifically, the Petition states that the City has interpreted a prior agreement that it entered with Comporium, LLC (Comporium) to provide Comporium with superior and exclusive attachment rights to all City-owned poles,⁷ and that the City has further interpreted the agreement to mean that Comporium “occupies the entire available space [on City-owned poles] irrespective of the amount of space that Comporium requested or to which Comporium’s lines are in fact attached.”⁸ The Petition states that, pursuant to these interpretations, the City is requiring Gigapower to rearrange attachments to City-owned poles or to replace poles to obtain access, despite the existence of adequate available space on

¹ *Petition of Gigapower, LLC for Preemption and Declaratory Judgment Ruling Pursuant to Section 253(d) of the Communications Act of 1934* (filed December 22, 2025), <https://www.fcc.gov/ecfs/search/search-filings/filing/122248074928> (Petition).

² 47 U.S.C. § 253(d); see also 47 CFR § 1.2(b).

³ Petition at 3-4. Gigapower states that it “will offer a point-to-point telecommunications service for high-speed data transport and a wholesale broadband transmission service to internet service providers.” *Id.*

⁴ *Id.* at 4.

⁵ *Id.*

⁶ *Id.* at 5-6, 8-10, 12-14; 47 U.S.C. § 253(a).

⁷ *Id.* at 1, 6-8, 14.

⁸ Petition at 7.

the poles,⁹ and that these requirements will result in excess costs that prevent “Gigapower from economically deploying its facilities and, thus, effectively prohibit[] Gigapower from providing telecommunications services in the City.”¹⁰ The Petition also asserts that “[t]he City’s actions . . . are tantamount to a de facto moratorium that the Commission should preempt.”¹¹

Interested parties may file comments or oppositions to the Petition on or before **February 4, 2026** and reply comments on or before **March 6, 2026**. All filings addressing the Petition must reference WC Docket No. 26-1. All comments or oppositions must be addressed to the Secretary, Office of the Secretary, Federal Communications Commission.

- *Electronic Filers:* Comments and oppositions may be filed electronically using the Internet by accessing the Commission’s Electronic Comment Filing System (ECFS): www.fcc.gov/ecfs.¹²
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service.
 - Hand-delivered or messenger-delivered paper filings for the Commission’s Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC’s mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530.

Ex Parte Rules. The proceeding this Notice initiates shall be treated as “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed

⁹ *Id.* at 5-6, 8-9.

¹⁰ *Id.* at 9-10.

¹¹ *Id.* at 13.

¹² See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

¹³ 47 CFR § 1.1200 *et seq.*

consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in these proceedings should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Elizabeth Drogula, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1591 or via e-mail at Elizabeth.Drogula@fcc.gov.

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