

United States Senate

November 2, 2020

COMMITTEES
APPROPRIATIONS
CHAIRMAN OF
FINANCIAL SERVICES
GENERAL GOVERNMENT
BANKING, HOUSING, AND
URBAN AFFAIRS
BUDGET
JUDICIARY
SMALL BUSINESS AND
ENTREPRENEURSHIP

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The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Pai,

I write today to urge the Federal Communications Commission (FCC) to quickly consider a pending Petition for Declaratory Ruling to clarify its existing pole attachment rules to help remove unnecessary deployment barriers in rural communities that do not have access to broadband infrastructure. Even before the COVID-19 pandemic arrived, access to reliable high-speed internet was growing increasingly critical for business development, access to education, rural healthcare services, and a growing list of priorities surrounding an American's daily life. FCC action on this Petition could help eliminate an impediment to rural broadband deployment and bring more Americans online.

I have been a staunch advocate for the deployment of broadband in rural areas. I have championed this cause on the Senate floor and at the Senate Committee on Appropriations where I serve as Chairman of the subcommittee on Financial Services and General Government, which has oversight of the FCC. Too many Americans are still on the wrong side of the digital divide, particularly in rural areas where nearly 15 million Americans do not have access to high speed broadband.¹ We need to do what we can – both large and small – to rectify this inequity.

In the Telecommunications Act of 1996, Congress recognized that communications providers needed fair rules to obtain access to utility poles. Congress granted broad authority to the FCC to craft regulations that would balance the rights and responsibilities of pole owners with those who need to attach to them. It is time for the FCC to clarify its rules to ensure that the rules – and the process for enforcing them – remain fair, equitable, transparent, and, most importantly, encourage accelerated deployment of high-speed internet service to close the gap in rural areas.

Much of the country's rural broadband infrastructure is carried by utility poles, so the rules and timelines around how broadband companies attach to poles are critical to deploying broadband. I understand that pole related costs alone can account for as much as one third of the total buildout expense in rural areas, and that does not even account for expenses from construction delays that can occur when broadband companies don't receive pole permits in a

¹ FCC 2020 Broadband Deployment Report, April 24, 2020,
<https://docs.fcc.gov/public/attachments/FCC-20-50A1.pdf>

timely fashion.² This cost of attaching to poles is too high when you consider the amount of federal resources spent on broadband infrastructure –harming consumers and taxpayers alike. I am concerned that these issues are unnecessarily delaying – and even preventing – rural buildout. Steps to address this problem should be taken now.

I encourage the FCC to act expeditiously, using its authority to clarify its rules for attaching broadband infrastructure to utility poles and eliminating this as a barrier to deployment. A transparent, equitable, fast process for accessing utility poles would allow investments in rural broadband to reach more unserved homes and businesses, and to do so as fast as possible. This is particularly critical and not only during the current COVID-19 pandemic.

Every American deserves access to high-speed internet and rural populations have been left behind for far too long. By connecting more Americans to the internet, we can strengthen our economy, expand opportunity and usher in a better future for all.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Kennedy", with a stylized flourish extending to the right.

John Kennedy
United States Senator

² NCTA Petition for Expedited Declaratory Ruling (Pages 3–4), July 16, 2020, https://ecfsapi.fcc.gov/file/107161552527661/071620%2017-84%20NCTA%20Petition_for_Declaratory_Ruling.pdf