

**Media Contact:**

Anne Veigle  
anne.veigle@fcc.gov

**For Immediate Release**

**FCC DENIES PETITION FOR RECONSIDERATION AND  
APPLICATION FOR REVIEW IN POLE ATTACHMENT  
PROCEEDING**

***Grants Carrier Request for Clarification on Joint Use Agreement Terms***

WASHINGTON, November 17, 2022—The Federal Communications Commission today denied a petition for reconsideration filed by Duke Energy Progress and an application for review filed by AT&T in a dispute over rates for attaching to utility poles. Section 224 of the Act grants the Commission broad authority to regulate rates for attachments to utility-owned poles and ensure nondiscriminatory access to their poles to telecommunications carriers and cable television systems. AT&T and Duke are parties to a Joint Use Agreement (JUA) that contains the rates, terms, and conditions for each party’s use of the other’s utility poles.

Today’s order upholds the Enforcement Bureau’s September 2021 [order](#) that found the rates AT&T paid under the JUA were “unjust and unreasonable” and orders Duke to charge a lower rate in compliance with the Commission’s 2011 and 2018 pole attachment orders. However, based on certain advantages provided to AT&T under the JUA, today’s order denies AT&T’s claim that it is entitled to the lower rate that other communications attachers pay to use Duke poles. The Commission also grants AT&T’s request to clarify that the parties only need to amend the JUA in response to the rulings in this matter rather than negotiate an entirely new agreement.

Action by the Commission November 17, 2022 by Order on Reconsideration and Review (FCC 22-90). Chairwoman Rosenworcel, Commissioners Carr, Starks, and Simington approving. Chairwoman Rosenworcel issuing a separate statement.

Proceeding No. 20-293

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*This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).*