



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

January 9, 2024

The Honorable Shelley Moore Capito
United States Senate
172 Russell Senate Office Building
Washington, DC 20510

Dear Senator Capito:

Thank you for your letter regarding the Federal Communications Commission's efforts to reform its pole attachment rules and policies to promote faster and more cost-effective broadband deployment. Pole attachments are an essential part of our effort to ensure that high-speed service reaches everyone, everywhere across the country.

To advance this goal, last month the Commission took action to make the pole attachment process faster, more transparent, and more cost-effective through new rules that will allow faster resolution of pole attachment disputes. Specifically, the Commission adopted an order that created a new process to resolve pole attachment disputes fast and effectively by establishing a new intra-agency rapid response team—the Rapid Broadband Assessment Team—and providing the team with specific criteria to apply when considering complaints. The Commission also adopted rules that increase transparency for new broadband buildouts by allowing attachers to obtain pole inspection reports from utilities in order to better access information about the status of the utility poles they plan to use as they map out their broadband builds. In addition, we updated our policies to provide greater clarity regarding situations where an attacher does not have to pay the full cost to replace an existing pole. In order to speed the way for large broadband construction projects, we made clear that when providers submit applications, the first 3,000 poles must be processed within defined time periods under Commission rules. Finally, we sought comment on further ways to speed the processing of large pole attachment applications and facilitate the approval process to enable quicker broadband deployment.

While the Commission continues its work to reform its pole attachment rules and policies to speed broadband deployment, I would note that under the law pole attachments are regulated at the state level in 23 states, including West Virginia, and the District of Columbia. While I recognize that state efforts are often informed by changes we make at the federal level, West Virginia currently has full authority under Section 224(c) of the Communications Act to deviate from the Commission's regime to suit the particular needs of West Virginians. However, the agency is always willing to engage with our state counterparts working on this issue and would be happy to work with West Virginia in this capacity.

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I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Rosenworcel", with a long horizontal flourish extending to the right.

Jessica Rosenworcel