

United States Senate

November 20, 2023

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The Honorable Jessica Rosenworcel
Chairwoman
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Dear Chairwoman Rosenworcel:

I understand that the Federal Communications Commission (“the Commission”) is moving closer to a final decision in its long-standing pole-attachment proceeding. As I have written before, Louisianans for too long have been left out of broadband deployment plans completely or promised that high-speed broadband is coming “soon” only to learn that pole-related issues have derailed those promises. Enough is enough—it is time for the trail of broken promises to end. Unprecedented federal investment now exists to close the digital divide for good in my state (and the rest of the country), but only if every effort is made to clear the path for that investment to reach its potential. Action in the Commission’s pole proceeding is pivotal to ensure a clear pathway for this broadband investment.

But it is not enough for the Commission to simply take *some* action in the pole proceeding. It needs to take *meaningful* action to address pole-attachment costs and delays that threaten deployment of high-quality home broadband infrastructure. We have seen firsthand in my state how extended pole-attachment delays for broadband providers, along with excessive and inequitable attachment costs, are jeopardizing deployment efforts to thousands and thousands of unserved households. Decisive action is needed, and the Commission has the opportunity and responsibility to be a leader on this issue.

Based on the record in this proceeding and the experience in my state and others, the following actions are vital in any Commission decision:

- ***Pole replacement costs need to be allocated equitably.*** The Commission must implement a fair and economically sound cost-sharing regime for pole replacement. Pole owners are using attachment requests as an opportunity to replace their aging poles while having the attaching broadband provider foot the entire bill for that new pole. This one-sided allocation of costs makes little sense when the pole owner benefits from the new pole, owns the pole, charges rent to attachers for being on the pole, and enjoys tax benefits from depreciating the pole. The pole owner paying *nothing* for the cost of the pole replacement and the attaching broadband provider paying *everything* is clearly not a “fair apportionment of costs” as required under the statute. Failure of the Commission to right this wrong and

institute a fair allocation of costs will directly jeopardize the goal of bringing broadband to unserved homes in America.

- ***Pole owners should not be allowed needlessly to inject additional costs and delays into the pole-attachment process.*** Certain pole owners (including those seeking to provide broadband) hurt timely and efficient deployment by layering into the pole-attachment process unnecessary requests and barriers to pole access, including application-processing delays, arbitrary limits on the number of applications or poles per application, unnecessary engineering studies, limits on well-established construction techniques, and withholding needed technical information. The Commission needs to put a stop to this harmful and discriminatory treatment of broadband providers to ensure deployment is a success.

The Commission has jurisdiction to act on these issues. And meaningful action will not only go a long way to curbing the problematic behavior of some pole owners regulated by the FCC, but it will provide helpful guidance to all pole owners. After all, the Commission's rules and precedents are used as a benchmark for reasonable pole-owner behavior everywhere.

I ask that the Commission do its part to eliminate remaining deployment barriers like delayed and costly pole access so that precious tax-payer dollars are maximized, and unserved Louisianans and others throughout the country get broadband access as quickly as possible.

Sincerely,



John Kennedy
United States Senator