



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

January 9, 2024

The Honorable John N. Kennedy
United States Senate
416 Russell Senate Office Building
Washington, DC 20510

Dear Senator Kennedy:

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.

Please note that since 1978, Louisiana has regulated pole attachments at the state level. While Section 224 of the Communications Act grants the Commission jurisdiction over the rates, terms, and conditions for pole attachments, under Section 224(c), a state may preempt Commission jurisdiction over pole attachments if the state files a certification stating that it has rules in place to regulate pole attachments and that, in so regulating, the state takes into consideration both communications subscribers being served by pole attachments, as well as the utility pole owner's customers. The State of Louisiana filed such a certification in August of 1978 and Louisiana currently appears on the Commission's list of 23 states and the District of Columbia that have preempted Commission jurisdiction over pole attachments. This means that the state retains full authority to regulate pole attachments to suit the particular needs of Louisianians. However, I recognize that state efforts are often informed by changes we make at

the federal level, like those described above. For this reason, the agency is always willing to engage with our state counterparts working on this issue and would be happy to work with Louisiana in this capacity.

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