

**STATEMENT OF
COMMISSIONER DEBORAH TAYLOR TATE**

Implementation of Section 224 of the Act; Amendment of the Commission's Rules and Policies Governing Pole Attachments, WC Docket No. 07-245, RM-11293, RM-11303, Notice of Proposed Rulemaking

Nearly 10 years ago the FCC implemented section 224 of the Telecommunications Act which conferred on cable and telecommunications providers the right to pole attachments at “just and reasonable rates, terms and conditions”. Since that time the competitive landscape has changed dramatically with providers of voice, broadband, and video services increasingly competing cross-platform. As convergence has become a reality in the United States, I have sought to limit the regulatory hindrances to competition, in part by seeking to ensure a level regulatory playing field. To the extent possible all providers of the same service must be treated in the same manner regardless of the technology they employ. To that end I have worked to help ensure technological and competitive neutrality in communications markets to minimize marketplace distortions arising from regulatory advantage. For example, we have adopted the same regulatory approach for broadband Internet access service provided over cable systems, telephone wires, power lines, and wireless platforms; helping to promote competition and which will in turn propel broadband deployment—one of my principal priorities.

Through section 706 of the Act Congress charges the FCC with promoting the deployment of broadband infrastructure. In initiating this inquiry we properly seek input on whether our rules governing pole attachment rates remain appropriate in light of the increasing intermodal competition in the marketplace today. Significantly, due to the import of promoting broadband deployment and the importance of technological neutrality, we tentatively conclude that all categories of companies should pay the same pole attachment rate for all attachments used for broadband Internet access service.

Through this inquiry we will seek to ensure that our regulatory framework responds to the dynamic changes in technology and the markets for telecommunications and video services and remains faithful to the pro-competitive, market-provisions of the Act.