

**STATEMENT
COMMISSIONER ROBERT M. McDOWELL**

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

While increased competition and technological convergence empower consumers, such progress often exposes outdated regulations for the anachronisms they are. In this notice of proposed rulemaking, we are seeking comment on the requirements for pole attachments, ducts, conduits and rights-of-way by both cable television systems and telecommunications service providers that are contained in Section 224 of the Communications Act. That provision embodies terms that, as interpreted by the Commission in the past, have resulted in different treatment for cable systems and telecommunications service providers in rates, terms and conditions.

We now are faced with the reality that different providers using pole attachments are offering substantially similar services. As the stovepipe regulations of yesteryear become increasingly burdensome, we should strive to modernize our regulations so that similar offerings are regulated similarly. While I favor parity of regulation for similar providers of services, at the same time, we must meet our statutory obligations. In this situation, Section 224 contains standards for determining both the cable rate and the telecom rate; yet, the *Notice* tentatively concludes that there should be a single rate for all attachments used to provide broadband Internet access service. As always, I look forward to carefully analyzing the legal arguments that support and oppose development of a uniform rate for all pole attachments.