

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

Re: *Implementation of Section 224 of the Act, WC Docket No. 07-245, A National Broadband Plan for Our Future, GN Docket No. 09-51*

Re: *Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving the Policies Regarding Public Rights of Way and Wireless Facilities Siting, WC Docket No. 11- 59*

While not the most exciting of issues, the Commission's pole attachment rules are nonetheless critical to our nation's broadband deployment effort. I, therefore, commend the Chairman for re-opening the pole attachment debate last spring and following through with some concrete decisions.

Our action today will help promote continued broadband deployment throughout our country.¹ Our guidance regarding so-called "make ready work" will provide more certainty, help streamline the process and ultimately speed new entrants' efforts to deploy broadband. Also, the Commission's use of its authority under Section 224 of the Act to adopt a new telecommunications pole rental rate formula - generally lowering the attachment rate to the current "cable rate" - will more effectively encourage competition in broadband deployment.

In concept, I would have liked to have seen a similar move to parity in regard to pole attachment rental rates for ILECS. But I understand that not all of the ILECS may be similarly situated vis-à-vis their competitors, because the ILECs are also pole owners and may enjoy certain benefits due to their joint use agreements with the utilities. On the other hand, this order still does provide some relief to ILECs and their customers, where appropriate. Pursuant to our action today, the ILECs will now have an opportunity to file complaints with the FCC and argue why the rates, terms or conditions in their agreements with the utilities are not just and reasonable, as allowed by Section 224.

Regarding a related matter before us today, I hope the Notice of Inquiry on public rights of way solicits useful information that can assist the FCC's continued efforts to encourage broadband deployment. I caution, however, that the FCC should be mindful of its limitations and only use this information in areas where it has jurisdiction.

In sum, I commend all of the staff who worked so diligently on all of these infrastructure issues and look forward to working with my colleagues as we learn from the various stakeholders who file in response to the notice.

¹ The nationwide effect of this order is limited. For example, the Commission can only exert jurisdiction over pole attachment issues in areas where these access issues are not regulated by a state. *See* 47 U.S.C. § 224(c). Also, pole attachment arrangements that involve cooperatives are not under our jurisdiction. *See* 47 U.S.C. 224(a)(1). Nevertheless, each incremental move will make a difference in America's broadband deployment numbers.