

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

- 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*

Today we take an important step to promote broadband deployment and competition, and both wireline and wireless consumers stand to gain. Through our adoption of specific timeframes for access to poles, broadband providers will be better positioned to plan their network deployments and upgrades. As a result, they will be better able to serve their customers and meet their broadband demands. Moreover, by addressing the disparate pole rental rates paid by service providers, we are establishing a more evenhanded opportunity for providers to compete with one another based on their offerings and prices.

I spent a great deal of time considering the arguments on both sides concerning the joint use agreements that utilities and incumbent local exchange carriers (“ILECs”) rely upon for access to one another’s poles. At face value, parity for ILECs is an attractive proposition, especially considering the policy rationale of a level playing field for all broadband competitors. However, I was persuaded that joint use agreements are not just simple pole attachment contracts. They are joint *ownership* agreements. Some of these agreements have significant histories, as they are decades old. Accordingly, I agree with the guidelines we establish in this Order that set forth a series of factors for the Commission to consider in determining whether the existing rates are just and reasonable in a complaint proceeding. To the extent that ILECs benefit from our oversight of these agreements through decreased pole expenses, consumers should be the beneficiaries through additional deployment, decreases in service prices, or network upgrades to faster broadband speeds. As such, it is only appropriate that industry provide us with regular updates on how they are passing these benefits on to consumers.

I also support the Notice of Inquiry we adopt today that seeks detailed information on the management of public rights of ways and the siting of wireless facilities. I believe it is important for the Commission to gather this data as part of our Broadband Acceleration Initiative. While it is essential to learn how long it takes and how much it costs for broadband providers to obtain the necessary approvals from a local jurisdiction to build a new tower or access conduit under a street, I believe it is equally imperative for the Commission to fully understand the policy rationales for these processes and costs. Gathering and analyzing the data should not be done in a vacuum. We must also commit ourselves, to work in partnership, with our counterparts in state and local governments, other federal agencies, and Tribal governments on these issues. We can achieve our common goal of promoting broadband service to residents and anchor institutions by working together.