Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment	)))	WC Docket No. 17-84
	)	
States That Have Certified That They Regulate Pole Attachments	))	WC Docket No. 10-101

COMMENTS OF NTCA–THE RURAL BROADBAND ASSOCIATION

NTCA–The Rural Broadband Association ("NTCA")[1] hereby submits these comments in response to the *Public Notice* released by the Federal Communications Commission ("Commission") in the above-captioned proceedings.[2] The *Public Notice* seeks comment on whether states that regulate pole attachments pursuant to Section 224 of the Communications Act of 1934, as amended (the "Act") (so called "reverse-preemption states")[3] "issue and make effective rules and regulations implementing their regulatory authority over pole attachments"

[1] NTCA is an industry association composed of approximately 850 community-based companies and cooperatives that provide advanced communications services in rural America and more than 400 other firms that support or themselves are engaged in the provision of such services.

[2] *Wireline Competition Bureau Reminds Reverse-Preemption States of Obligation to Effectively Regulate Pole Attachments and Seeks Comment on Need for Changes to the Commission's Certification Rules to Ensure Effective State Pole Attachment Regulation*, Public Notice, WC Docket Nos. 17-84, 10-101, DA 26-579 (rel. Jun. 11, 2026) ("*Public Notice*").

[3] 47 U.S.C. § 224(c)(1) ("Nothing in this section shall be construed to apply to, or to give the Commission jurisdiction with respect to rates, terms, and conditions, or access to poles, ducts, conduits, and rights-of-way as provided in subsection (f), for pole attachments in any case where such matters are regulated by a State.").

and whether these states "actually regulate the rates, terms, and conditions of pole attachments and have established procedures for resolving pole access complaints."[4]

NTCA urges the Commission to require reverse-preemption states to recertify that they regulate pole attachments and have complaint resolution processes in place that address disputes between attachers and pole owners in a timely manner. These certifications should include specific details with respect to these states' pole attachment regimes, and the Commission should then work with states (including by sharing "best practices") to strengthen state processes where necessary.

As backdrop to this discussion, NTCA members typically prefer buried versus aerial fiber construction, as the former offer greater protection from weather-related damage. However, many of these small providers operate in rural areas of the nation that have rugged terrain that necessitates the use of aerial facilities because trenching cable is prohibitively expensive or impractical, if not impossible. NTCA members confront low densities (seven customers per mile on average), difficult terrain, and weather that in many parts of the country shortens construction seasons. Each of these challenges significantly increase the costs and time involved in any infrastructure deployment. Delays in obtaining access to utility poles or excessive pole access costs for broadband deployment can exacerbate these challenges.

With respect to the reverse-preemption states that are the subject of the *Public Notice*, NTCA members operating in these jurisdictions report that (1) access to poles has become increasingly more time-consuming and expensive, (2) make-ready costs have steadily increased as have the timelines for completion in certain reverse-preemption states, (3) disputes over pole

[4] *Public Notice*, p. 1.

replacement costs between NTCA members and pole owners have increased, and (4) state processes for dispute resolution fall short in terms of efficiently adjudicating disputes and allowing providers to get on with their deployment plans. As examples:

- One midwestern reverse-preemption state has interpreted its statute addressing access to utility-owned poles as not applying to local exchange carriers. Every NTCA member operating in the state is denied the benefits of the state's pole access provisions available to every other provider.

- A member in a northeastern reverse-preemption state has sought access to utility-owned poles pursuant to the state's statutory process for doing so. Access has been delayed, or denied in some cases, and the state public service commission has failed to intervene despite the dispute lasting for nearly four years as of the date of this filing.

Against this backdrop, NTCA supports the *Public Notice* proposal to require reverse-preemption states to "recertify"[5] that their state pole attachment rules (including processes for resolving complaints) comply with Section 224(c) of the Act and the Commission's rules implementing that provision.[6] As the *Public Notice* indicates, most existing certifications date back to before the enactment of the 1996 Act.[7] The Commission's jurisdiction over pole attachments, as well as the types of providers in the marketplace and seeking access to poles, has changed considerably since then. A review is overdue.

More importantly, the Commission should also require reverse-preemption states' certifications to include specifics with respect to their pole attachment regulation regimes.[8] This should include specifics with respect to the types of providers regulated, whether rates, terms, and conditions are regulated, whether "make-ready" costs/timelines are regulated, as well as

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[5] *Id*., p. 4.

[6] 47 C.F.R § 1.1405(b).

[7] *Public Notice*, p. 3.

[8] *Id*.

details about complaint processes available in the event of a dispute (including information on the kind of disputes that are most prevalent in the jurisdiction and the average amount of time it takes for the state to resolve a dispute following the initial receipt of a complaint). A basic certification on its face and without this additional detail does little to enable the Commission to determine whether state pole attachment regimes address the myriad issues that arise in this area and whether complaint processes are in place and operate efficiently. The Commission's goal here should be to ensure that reverse-preemption states' pole attachment regimes advance rather than hinder the nation's broadband deployment goals, and only by reviewing state regimes in detail can the Commission conduct the in-depth analysis needed here.

The Commission should then in turn work together with reverse-preemption states to strengthen these jurisdictions' pole attachment regimes, if needed. This should include creating "best practices" that states can leverage where necessary. The Commission has adopted several reforms to its pole attachment rules in recent years[9] and these can and should serve as a model for best practices that reverse-preemption states can adopt.

As the *Public Notice* identifies, Broadband Equity Access and Deployment Program ("BEAD") funded projects will touch nearly 4 million utility-owned poles,[10] and the

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[9] *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Third Report and Order and Declaratory Ruling, FCC 18-111 (rel. Aug, 3, 2018), ¶¶ 13-139 (adopting rules that allow new attachers to elect the one-touch-make-ready pole attachment process that places them in control of the work necessary to attach their equipment); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Fifth Report and Order, Fourth Further Notice of Proposed Rulemaking, and Order on Reconsideration, FCC 25-38 (rel. Jul. 25, 2025), ¶¶ 14-51 (adopting rules to promote greater collaboration and cooperation between utilities and attachers, to expedite the pole attachment timeline, and speed up the contractor approval process for OTMR).

[10] *Id*. Stating that it is estimated that BEAD funded projects will "touch an estimated 3,954,030 utility-owned poles across 2,053 electric utility service territories, based on 188,287 planned aerial fiber route-miles, and that pole-related costs for BEAD buildouts could range from $534 million to $4.63 billion."

Commission can take a step toward expediting the delivery of services at lower deployment costs to underserved Americans via this program by working with reverse-preemption states where necessary to streamline and strengthen their pole attachment regimes. Many NTCA members will participate in BEAD, numerous members are currently or have in the past utilized Rural Utilities Service loans and grants to reach unserved rural Americans, and the vast majority are continuing as well to utilize High-Cost Universal Service Fund support to build and operate voice and broadband networks in rural areas. NTCA members can attest to the fact that timely and affordable access to much-needed advanced networks in rural areas can be undermined by pole attachment rules that fail to reign in unnecessary costs or delays in access to utility owned poles or where state complaint processes do not offer timely resolution of disputes. Thus, NTCA welcomes this opportunity for the Commission to assist reverse-preemption states in their efforts to ensure pole attachment rules promote rather than hinder timely and cost-effective network deployment.

Respectfully submitted,

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