



March 9, 2022

## VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

RE: *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84*

On behalf of the organizations listed below, NATOA submits the attached document outlining the principles that support the long-standing legal framework in which municipalities, public power utilities and cooperatives—whose purpose is to serve the public interest—retain the flexibility and trust to manage their poles and other assets in the best interest of their communities. We urge the Commission to reject filings in the above-referenced docket suggesting the Commission should enact regulations governing use of these locally- or cooperatively-owned assets.

Specifically, we object to the filings of the Schools, Health & Libraries Broadband (SHLB) Coalition arguing that municipal, public power and cooperative pole attachments and local rights-of-way policies are a barrier to broadband deployment and suggesting the Commission take further action to regulate access to these assets.<sup>1</sup> The SHLB Coalition conflates the pole attachment practices of investor owned utilities and that of municipalities, public power utilities and cooperatives and fails to address the significant differences between them that led Congress to exclude the latter from federal pole attachment regulations. As discussed in the attached principles, municipal, public power and cooperative policies protect local assets, public safety, lineworker safety and local ratepayers, while at the same time advancing the deployment of broadband and other vital services to every member of their communities. The top-down, one-size-fits-all policies SHLB suggests will result in unworkable and potentially unsafe standards that will only stifle deployment and could reduce the reliability and resilience of all services and providers attached to utility poles.

In addition to the attached principles, we write to clarify two potentially misleading aspects of the SHLB Coalition's filings. First, as SHLB acknowledges in a footnote, its principles do not reflect the views of its members.<sup>2</sup> That acknowledgement warrants emphasis. SHLB's principles are not shared by local government organizations and we believe they run counter to the best interests of local institutions like libraries and schools. SHLB's pole attachment principles (and recent suggestions that rights-of-way access impede broadband) are the same arguments

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<sup>1</sup> See *Ex Parte* Letter from John Windhausen, Jr. to Marlene Dortch, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84 (Sept. 2, 2021); *Ex Parte* Letter from John Windhausen, Jr. to Marlene Dortch, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84 (Jan. 31, 2022).

<sup>2</sup> *Id.* at n. 2.

communications providers have long used to advocate for preemptive actions aimed at shifting deployment costs from providers to local governments without any obligation for providers to deploy broadband networks to un- and underserved areas. When local governments effectively subsidize private providers, those costs come out of local budgets, which are the same budgets that support our libraries and schools.

Second, we must correct the statement in SHLB’s January 21, 2022 letter asserting that pole attachment delays “cost[] taxpayers between \$491 million and \$1.86 billion” per month. The report SHLB cites for this statement says nothing of the sort. It does not purport to quantify a cost to taxpayers. It simply calculates how much underconnected households would be willing to pay for better broadband, then labels that amount a foregone economic gain or cost. In no way does the paper suggest, as SHLB implies, that taxpayers pay this cost. There is, undoubtedly, an economic cost to the households and businesses that lack affordable, high-quality broadband, which in turn has economic impacts on entire communities—to say nothing of the costs of less access to healthcare, education and other benefits of broadband services—but these costs are not ones the paper attempts to quantify.

Further, as referenced above, imposing new burdens and limitations on municipal, public power and cooperative entities’ ability to manage their assets is not cost-free. Those burdens and limitations can reduce local revenue and increase costs, meaning that taxes or power rates will have to be raised to offset the loss in fees and increased costs. Circumscribing local oversight also has other adverse effects, such as unsafe attachments that jeopardize worker and public safety, impacts to pole integrity, and unplanned power and communications interruptions. These effects may be harder to quantify but are no less real, and neither SHLB nor the paper on which it relies take these into account.

With the unprecedented amount of broadband funding soon to be available, now is the time to work together on addressing the various causes of the digital divide rather than attempt to leverage this federal investment to push for preemptive policies that benefit for-profit providers who have no obligation to increase deployment in areas long left un- or underserved. Our organizations have and will continue to work with the Commission, the communications industry and other stakeholders until we achieve our shared goal of access to affordable, high-quality broadband for everyone, everywhere. We urge the Commission to ignore calls to interfere with our ability to do this critical work.

Respectfully submitted,



Nancy Werner  
General Counsel

On behalf of the following organizations:

American Public Power Association  
Communications Workers of America  
National Association of Counties  
National Association of Towns and Townships

National League of Cities  
National Rural Electric Cooperative Association  
Next Century Cities  
United States Conference of Mayors