

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

In the Matter Of )  
 )  
Accelerating Wireline Broadband Deployment by ) WC Docket No. 17-84  
Removing Barriers to Infrastructure Investment )  
 )

**REPLY COMMENTS OF THE  
SCHOOLS, HEALTH & LIBRARIES BROADBAND (SHLB) COALITION**

The Schools, Health & Libraries Broadband (SHLB) Coalition<sup>1</sup> respectfully submits these comments in response to the Federal Communications Commission’s (Commission) Fourth Further Notice of Proposed Rulemaking (Fourth FNPRM) seeking comment on proposed pole attachment rules to help eliminate barriers to efficient broadband deployment.<sup>2</sup>

SHLB’s mission centers around advocating for policies that provide affordable and high-quality broadband to anchor institutions and the communities they serve. This includes identifying and removing barriers to investment in, and deployment of, critical broadband infrastructure. For example, anchor institutions and their surrounding communities might be located in areas where new broadband infrastructure is either unavailable or difficult or costly to deploy. Leveraging existing infrastructure such as utility poles can fill this gap and ensure that students, library patrons, healthcare patients, and other community members are provided access to high-quality broadband. Accordingly, SHLB has been an active participant in previous Commission proceedings aimed at making improvements to the pole attachment and replacement

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<sup>1</sup> The SHLB Coalition (SHLB) is a broad-based public interest organization consisting of over 300 members who share the goal of promoting open, affordable, high-quality broadband for anchor institutions and their communities.

<sup>2</sup> *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 Orders on Reconsideration (rel. July 25, 2025) (Fourth FNPRM).

process.<sup>3</sup> We appreciate the Commission’s continued efforts to find fair solutions for both pole owners and attachers, and we take this opportunity to respond to some of the current proposals presented in the Fourth FNPRM. As the Commission considers the many suggestions for pole attachment reform reflected in the record thus far, we ultimately encourage it to adopt policies that facilitate a transparent and efficient process for building out existing pole infrastructure while avoiding the creation of unnecessary and complex administrative hurdles that could deter or delay projects.

**I. THE COMMISSION SHOULD REFRAIN FROM ADOPTING INFLEXIBLE DEADLINES THAT INTRODUCE MORE COMPLEXITY INTO THE POLE ATTACHMENT PROCESS.**

The Commission seeks input about potential proposals to promote efficient pole attachment buildout, including ones that set firm deadlines for attachers. While SHLB supports objectives that enable owners and attachers to further their projects, it cautions the Commission against adopting overly rigid timelines that could add complexity, rather than efficiency, to the pole attachment process and impede much needed deployment. First, the Commission asks whether attachers should be required to deploy equipment on poles within 120 days of completion of make-ready work.<sup>4</sup> Crown Castle Fiber LLC (Crown Castle) suggests that adopting a blanket deployment deadline for attachers could add unintended complications into the buildout process,<sup>5</sup> and other commenters, including America's Communications Association -

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<sup>3</sup> See, e.g., SHLB Comments and Reply Comments, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Second Further Notice of Proposed Rulemaking (June 27, 2022 and Aug. 26, 2022); SHLB Comments, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Third Further Notice of Proposed Rulemaking (Feb. 13, 2024).

<sup>4</sup> *Fourth FNPRM* ¶ 52.

<sup>5</sup> Crown Castle Comments, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Fourth FNPRM, 5 (Sept. 22, 2025) (stating

ACA Connects (ACA Connects) and WTA - Advocates for Rural Broadband (WTA), argue that the proposed solution doesn't provide the requisite flexibility an attacher needs to respond to unforeseen circumstances.<sup>6</sup> SHLB members agree. Imposing an immovable, one-size-fits-all buildout deadline as proposed would overlook unique and varying circumstances an attacher might face on each of its individual projects, whether anticipated (such as obtaining all necessary permits) or unforeseen (such as adverse weather conditions or other force majeure events) that could delay buildout. Setting an inflexible deadline could also create challenges for attachers who are managing multiple infrastructure projects being funded by different broadband programs, each of which carry distinct buildout requirements and deadlines. Further, SHLB members agree with arguments raised by ExteNet Systems LLC (ExteNet) that this proposal "is a solution in search of a problem"<sup>7</sup> and question whether a Commission-imposed buildout deadline is necessary, given that buildout timelines are typically addressed in negotiated agreements between the parties.<sup>8</sup>

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that "[w]hile not categorically opposed to a post-make-ready deployment deadline, Crown Castle believes that such a deadline is not necessary and could lead to additional disputes.").

<sup>6</sup> ACA Connects Comments, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Fourth FNPRM, 10 (Sept. 22, 2025) (detailing extenuating circumstances beyond the control of the attacher that would cause deployments to take more than 120 days, and suggesting that "[t]hese situations require flexibility from all interested parties, not a hard and fast rule."); WTA Comments, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Fourth FNPRM, 2 (Sept. 22, 2025) (stating that "[w]hile normally it will be in the attacher's best interest to complete the attachment as quickly as possible, there could be many reasons for its needing flexibility with regard to the timing of the pole attachments.").

<sup>7</sup> ExteNet Comments, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Fourth FNPRM, 3 (Sept. 22, 2025) (arguing that "[t]he record fails to support the conclusion that there is any problem or prevalent issues caused by attachers significantly delaying deployment or not deploying at all.").

<sup>8</sup> See, e.g., USTelecom Comments, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Fourth FNPRM, 4 (Sept. 22, 2025) (stating that "pole owners and attachers already can—and do—agree to deployment deadlines in

Given these concerns, we suggest that a Commission-imposed buildout deadline for attachers may introduce more complexity into the process rather than promote efficiency. Instead, allowing the parties to continue to negotiate these deadlines in good faith could foster more communication up front about specific project needs and better allow them to establish flexible terms, including exemptions or extensions for anticipated or unforeseen delays.

Second, the Commission asks whether to require attachers to pay a make-ready estimate to a utility within a specific period of time after the attacher's acceptance of that estimate.<sup>9</sup> Specifically, it seeks feedback about a proposal that would require attachers "to pay all estimated make-ready costs, in full, within 30 days of the date on which [they accept the estimate]."<sup>10</sup> Some commenters like ACA Connects suggest that it is more reasonable for attachers to pay the estimate in installments as the make-ready work progresses, rather than requiring the full payment up front.<sup>11</sup>

SHLB members again question if adopting a one-size-fits-all payment standard—whether requiring an attacher to pay in full within a certain time period or by installments as work progresses—is ultimately an issue requiring Commission intervention. Similar to the experience shared by USTelecom, members agree that this is another term that the parties often already negotiate into their agreements.<sup>12</sup> Additionally, while we understand that allowing for installment

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their license agreements and agree to exceptions when warranted."); Breezeline Comments, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Fourth FNPRM, 10 (Sept. 22, 2025) (stating that "deadlines for the attacher to complete make-ready are generally negotiated for and included as a term in the pole attachment agreement.").

<sup>9</sup> *Fourth FNPRM* ¶ 54.

<sup>10</sup> *Id.*

<sup>11</sup> ACA Connects Comments at 5-6.

<sup>12</sup> *USTelecom Comments* at 6 (stating that "pole owners and attachers can—and often do—agree to a payment deadline in their license agreements.").

payments can benefit certain attachers or specific projects, we are concerned that adopting it as the benchmark standard could add unnecessary complexity or challenges to the buildout process as it would intercept the parties' ability to negotiate specific terms for unique projects and circumstances.<sup>13</sup> Accordingly, we suggest that the Commission refrain from adopting inflexible deadlines that introduce more complexity into the pole attachment program.

## **II. THE COMMISSION SHOULD ADOPT POLICIES AIMED AT ENHANCING COST TRANSPARENCY AND ENSURING TIMELY COMMUNICATIONS BETWEEN THE PARTIES.**

The Commission seeks comment on whether it should impose a cost ceiling that limits the amount that final make-ready costs can exceed a pole owner's estimate without requiring the utility to have obtained prior approval from the attacher.<sup>14</sup> Notably, the record details instances where attachers receive a final invoice for the actual charges a pole owner incurred to complete make-ready work, with costs frequently exceeding the original estimate by a substantial percentage.<sup>15</sup> SHLB members echo these experiences, reporting that final costs can and often exceed the original estimate by a large percentage. Further, in addition to incurring unexpected

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<sup>13</sup> *See, e.g., id.* at 6-7 (arguing that a Commission-imposed make-ready estimate payment deadline would impinge upon "company-specific payment preferences" and that "pole owner members already have payment deadlines in their license agreements, but the deadlines, understandably, are not the same across all agreements and all companies.").

<sup>14</sup> *Fourth FNPRM* ¶ 57. Specifically, the Commission provides examples from New York and Utah that have imposed cost ceiling structures that limits the range of costs a utility can incur when completing make-ready work that is later invoiced to the attacher.

<sup>15</sup> *See, e.g.,* ACA Connects Comments at 4 (stating that its members "report that they often receive make-ready invoices from pole owners that far exceed the agreed-upon cost estimate."); INCOMPAS Comments, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, *Fourth FNPRM*, 6-7 (Sept. 22, 2025) (stating that "[m]any of [its] members have experienced situations where final invoices for make-ready work are unreasonably and unpredictably higher than the estimate, making the total make-ready work cost 2-3x what the utility originally estimated.").

make-ready cost increases, members report that they often receive final true-up bills much later (months or even years) after the work was completed.<sup>16</sup> These delays can lead to additional prolonged negotiations between the parties, particularly when a final invoice lacks the detail for an attacher to understand why final charges significantly exceed the original estimated cost.<sup>17</sup>

SHLB members emphasize that for pole attachment projects to remain efficient, both parties require cost transparency and timely communication regarding changes to those costs. Accordingly, we generally agree that the establishment of a reasonable cost ceiling could promote clearer understanding of estimated and final make-ready costs at the beginning of a project for both the pole owner and attacher. We also encourage the Commission to consider additional measures that facilitate more timely communication about, and delivery of, final invoices to attachers after make-ready work is completed, which must also include sufficient detail about the project and the final charges incurred.<sup>18</sup>

SHLB appreciates the Commission's efforts to find meaningful ways to ensure we are efficiently promoting the use of our nation's existing infrastructure like utility poles to better connect our communities and bridge the digital divide.

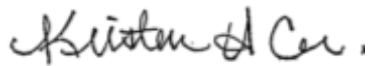
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<sup>16</sup> While the Commission adopted rules around specificity of charges, there is no rule enforcing timeliness of providing an invoice after make-ready work is completed.

<sup>17</sup> SHLB members have experienced instances where final invoices lack the necessary detail pertaining to the specific project or work performed and associated costs, which is currently required by the Commission's rules at 47 CFR 1.1411(e)(3).

<sup>18</sup> For example, INCOMPAS suggests that the Commission impose a specific time limit on the issuance of true-up invoices to provide better clarity and certainty for attachers about the charges a project has incurred. INCOMPAS Comments at 7.

Respectfully submitted,



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