



March 9, 2022

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

Ex Parte Filing

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

Dear Ms. Dortch:

Pursuant to Federal Communications Commission's *ex parte* rules, the Schools, Health & Libraries Broadband Coalition (SHLB) hereby submits the following request for additional questions to be included in the Commission's upcoming Second Further Notice of Proposed Rulemaking (SFNPRM) in WC Docket No. 17-84 called "Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment" before the Commission's vote to approve this item on March 16, 2022.

The SHLB Coalition supports the proposed rulemaking. Establishing more specific policies for allocating the costs of pole replacements could provide certainty to both broadband companies and utilities and help to expedite the resolution of disputes.

The SHLB Coalition filed a set of pole attachment principles in this docket on September 2, 2022¹ that called for the Commission to address four types of issues: 1) pole replacement cost allocation; 2) how to establish non-discriminatory policies concerning make-ready costs and other pole attachment costs; 3) how to define just and reasonable rates; and 4) how to expedite the process of obtaining approval for use of poles and other rights-of-way. SHLB also filed an [ex parte letter](#) on January 31, 2022 providing additional examples of pole attachment difficulties encountered by both non-profit and commercial broadband providers.

We note that the draft SFNPRM appears to address the first issue identified in our previous filings but does not directly ask for comment on the other three issues that we believe also deserve attention in this proceeding. Asking for additional comment on the SHLB Coalition's filings on these issues would not require significant changes to the draft SFNPRM. The Commission could simply add an additional paragraph calling attention to the SHLB Coalition's previous filings and asking parties to submit comments on the issues raised in those two *ex*

¹ <https://www.fcc.gov/ecfs/filing/10902194611832>.

parte submissions. This would allow parties to submit additional examples of both success stories and difficulties in obtaining access to poles that could serve as a foundation for future proceedings. For instance, this record developed could provide ideas about how the Commission could identify, define and enforce the principle of non-discrimination in determining make-ready costs, and set guidelines for determining just and reasonable rates. It could also begin to clarify the role of federal, state and local authorities in resolving permitting disputes with the goal of expediting the processing of applications to access poles and rights-of-way. Simply put, asking for comment on the SHLB filings would not interfere with the questions raised by the Commission concerning pole replacements and would lay the groundwork for future decisions.

We very much appreciate the Commission's willingness to address the pole replacement issues and simply ask the Commission to expand the scope of this proceeding slightly as indicated above to help speed the delivery of robust and affordable broadband service to anchor institutions and all consumers.

Sincerely,



John Windhausen
Executive Director
Schools, Health & Libraries Broadband (SHLB) Coalition
1250 Connecticut Ave. NW Suite 700
Washington, DC 20036
jwindhausen@shlb.org
(202) 256-9616