

SHLB POLES *SYMPOSIUM*

A THOUGHTFUL DISCUSSION
ABOUT POLE ATTACHMENT
ISSUES AND BEST PRACTICES

June 13, 2024



SHLB

SCHOOLS, HEALTH & LIBRARIES
BROADBAND COALITION

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SHLB'S STANCE ON POLE ATTACHMENTS



The SHLB Coalition was pleased to hold an important symposium on pole attachment policies on June 13, 2024, hosted by the HWG law firm. Over 200 people registered to attend this hybrid in-person and online discussion.

A few people have asked me, why does the SHLB Coalition care about pole attachments? The answer stems from our mission: we support high-quality and affordable broadband for anchor institutions and their communities. Anchor institutions can often lead the way in promoting affordable broadband to all, sometimes by extending their networks to surrounding homes. Access to poles is critically important to building out broadband to anchor institutions in unserved and underserved areas, as called for in the Infrastructure Investment and Jobs Act.

There are no simple answers to improving access to poles, but this symposium provided a variety of interesting ideas. We heard about the FCC's Rapid Broadband Assessment Team (RBAT), Vermont's legislative formula for determining pole attachment fees, the value of state working groups, safety and security concerns, issues around local control, and even a proposal to nationalize pole ownership. Whether you agree or disagree, the discussion was fascinating and enlightening. SHLB hopes to build on these concepts and develop further recommendations to help federal, state, and local broadband leaders address this vitally important set of issues. Our broadband future depends on it.

A handwritten signature in black ink that reads "John Windhausen, Jr.".

JOHN WINDHAUSEN JR.
EXECUTIVE DIRECTOR

PANEL 1 GOVERNMENT UPDATES

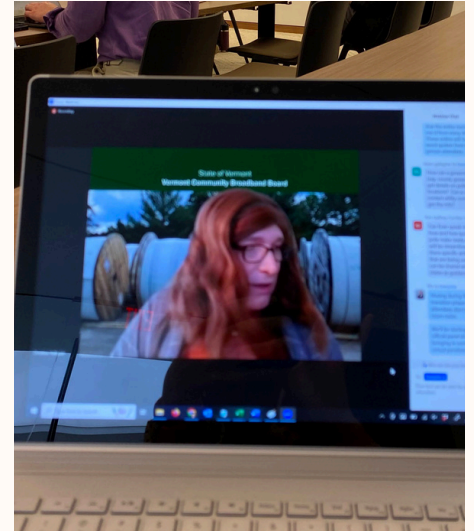


The SHLB Poles Symposium began with a detailed discussion of federal pole attachment regulations and strategies. Michele Berlove from the FCC's Wireline Competition Bureau outlined the FCC's regulatory framework for pole attachments, including the Report and Order it adopted in December 2023. She highlighted the FCC's Rapid Broadband Assessment Team, which will open for filing later this year. She acknowledged that several issues remain unresolved and invited stakeholders to contribute ideas.

Evan Feinman, Director of the BEAD Program at NTIA, emphasized the widespread challenges of pole attachments nationwide and predicted many disputes in the coming years. He advocated for efficiency across the network and proposed a system of cross-certification and mutual indemnification to streamline the make-ready process.

Feinman also mentioned NTIA's ability to facilitate dialogue among stakeholders and pointed out the opportunity for states to use leftover BEAD funds for infrastructure improvements, such as undergrounding fiber and hardening poles.

PANEL 2 STATE BROADBAND OFFICIALS



The Poles Symposium also featured state officials from Vermont, West Virginia, and New Mexico who shared their strategies for addressing pole attachment challenges.

New Mexico's Ovidiu Viorica highlighted the state's challenging geography for broadband rollout and the state working group's role in uniting diverse stakeholders on pole attachment issues. Viorica underscored the urgency of BEAD timelines and the need for regulation, transparency, and strong relationships between pole owners and project developers to resolve specific issues.

West Virginia's Delegate Daniel Linville highlighted a new law that clarifies the use of utility rights of way for broadband, simplifying a common point of conflict. He also addressed political dynamics, noting that expanding broadband into monopolized areas introduces competition, which is a central goal.

Vermont's Christine Hallquist shared Vermont's model, which includes a state statute setting forth a specific formula for inpole attachment rates. She said this legislation sets the regulatory framework, setting out the boundaries of discussion and allowing parties to negotiate a specific solution. This approach has led to significant cost savings, with make-ready costs averaging \$15,000 per mile and \$560 per pole.

PANEL 3

INDUSTRY AND ANCHOR INSTITUTIONS



The SHLB Poles Symposium’s final panel brought together various stakeholders to discuss the ongoing challenges with pole attachments.

Industry groups NCTA and INCOMPAS, on behalf of broadband builders, support an FCC proposal for a 90-day approval window for large pole orders to alleviate the issues caused by pole owners’ demands for smaller, separate requests that lead to higher costs and delays.

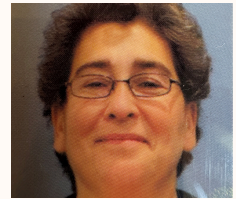
Nell Geiser, with CWA, underscored the importance of safety and the use of qualified workers for installations, pointing out the risks associated with unqualified third-party contractors.

Corian Zacher, representing over 200 municipalities, stressed the need for local governments to maintain control over pole management due to varying local concerns, such as public safety and environmental considerations.

Charlie Dennie suggested that Congress should nationalize the poles, drawing parallels to historical instances where the government took control of industries to resolve large-scale issues.

MEET THE SPEAKERS

**MICHELE BERLOVE, ASSISTANT DIVISION CHIEF, WIRELINE
COMPETITION BUREAU, COMPETITION POLICY DIVISION, FCC**



Michele Berlove has been at the FCC for 17 years and in WCB's Competition Policy Division for 14 years. She is the division manager responsible for the Wireline Infrastructure proceeding, which includes pole attachment issues and technology transitions. Michele received her bachelor's degree from the University of Albany and her law degree from Hofstra University School of Law.

**EVAN FEINMAN, DIRECTOR, BROADBAND EQUITY,
ACCESS AND DEPLOYMENT (BEAD) PROGRAM, NTIA**



Evan Feinman's experience spans government roles, political campaigns, and the private sector, including leading Virginia's broadband initiative and a state economic agency. An alumnus of UVA and Washington and Lee Law, he's a recipient of several public policy fellowships. Evan resides in Richmond, VA, with his wife, and their two children.

**CHRISTINE HALLQUIST, EXECUTIVE DIRECTOR,
VERMONT COMMUNITY BROADBAND BOARD**



Christine Hallquist was the 2018 Democratic nominee for governor in Vermont, the first openly transgender major party nominee for governor in the US. Hallquist grew up in Baldwinsville, NY, and moved to Vermont in 1976. She worked for IBM, Digital Equipment Corporation, and founded a consulting firm. She then worked at Vermont Electric Cooperative 1998-2018, the last 12 years as CEO, when she resigned to run for governor.

MEET THE SPEAKERS (CONT...)

OVIDIU VIORICA, BROADBAND AND TECHNOLOGY PROGRAM MANAGER, NEW MEXICO OFFICE OF BROADBAND ACCESS AND EXPANSION (OBAE)



Ovidiu has 25 years of experience in telecommunications, government, and construction. He has a proven record with large-scale new program development and implementation, consistently managing completion on time and within budget. He has extensive experience with data centers and fiber-optic infrastructure networks, both in deployment and operations.

DELEGATE DANIEL LINVILLE, DELEGATE, WEST VIRGINIA HOUSE OF DELEGATES



Delegate Daniel Linville is a dedicated representative serving the easternmost portion of Cabell County. Elected three times to the House of Delegates, he works tirelessly to address the needs and concerns of his constituents and is known for his strong advocacy for rural communities, focusing on issues such as broadband, economic development, infrastructure, and tax reform.

CORIAN ZACHER, SENIOR POLICY COUNSEL, NEXT CENTURY CITIES



Corian Zacher creates resources for members, tracks state and local broadband policy initiatives, and collaborates with local leaders, identifying and elevating policy barriers and opportunities. Corian is an alumnus of the University of Colorado Law School, where they served as Editor-in-Chief of the Colorado Technology Law Journal.

ALEX MINARD, VICE PRESIDENT & LEAD LEGISLATIVE COUNSEL, NCTA – THE INTERNET & TELEVISION ASSOCIATION



Alex is responsible for NCTA's federal and state legislative portfolio and the association's advocacy and partnerships with various national intergovernmental organizations. Previously, he was at the FCC, WCB, Telecommunications Access Policy Division, most recently as Deputy Division Chief, managing the high-cost universal service program. He is a graduate of William & Mary Law School and Kenyon College.

MEET THE SPEAKERS (CONT...)

**NELL GEISER, DIRECTOR OF RESEARCH,
COMMUNICATIONS WORKERS OF AMERICA**



Nell Geiser is director of research for the Communications Workers of America and supports the union's telecom policy program. CWA members are active stakeholders in oversight of telecom infrastructure and participate in federal and state regulatory and legislative proceedings related to pole attachments and related matters.

**CHRIS SHIPLEY, EXECUTIVE DIRECTOR OF PUBLIC
POLICY, INCOMPAS**



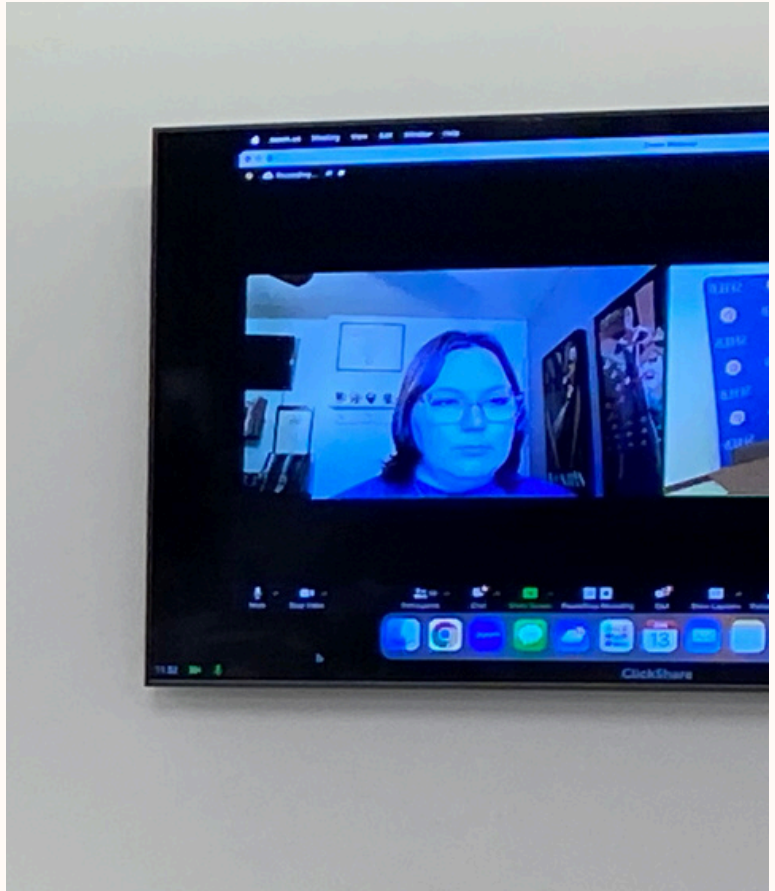
Chris is an experienced policy advocate and attorney with a history at INCOMPAS since 2015. He has tackled wireless, universal service, disabilities access, media, and competition issues. His expertise is backed by roles at LMI Advisors and Harris Corporation, and a legal fellowship with Rep. Anna Eshoo. Chris holds a J.D. from The Columbus School of Law at The Catholic University of America and a B.A. from the University of Notre Dame, with significant public service experience as a policy analyst and grant administrator at the Arizona Governor's Office.

**CHARLES DENNIE, PRINCIPAL CONSULTANT, BROADBAND
SOLUTIONS WV, LLC**



Charles Dennie is a consultant working on behalf of local governments and nonprofits to build publicly owned broadband. He is pursuing a doctorate at Marshall University, where he will conduct his dissertation on broadband. Prior to being a consultant, Charlie worked in various telecom roles, contributing to broadband projects and legislative initiatives, serving as a district representative in Congress, and as VP of government relations and special projects at Alpha Technologies. Charlie also has a degree in economics and political science from West Virginia State University.

EVENT SNAPSHOTS



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