

Resolution Opposing NCTA Petition on Utility Pole Attachments (Xcel Energy)

WHEREAS, In July 2020, NCTA-the Internet and Television Association (representing the cable industry) filed a petition before the Federal Communications Commission (FCC, the Commission) seeking an expedited ruling that would require utility distribution-pole owners (i.e., electric utilities) to pay for pole-replacement costs to accommodate new pole attachments in areas with no access to broadband¹; and

WHEREAS, This petition is based on the faulty premise that pole attachments are a barrier to broadband deployment, a claim that has been disputed by state agencies and national organizations²; and,

WHEREAS, If approved, the NCTA petition would result in a cost-shifting that would unfairly subsidize communications service providers at the expense of utilities and their customers, subverting decades of FCC precedent which has followed a cost-causation policy that these pole replacement cost are appropriately attributable to the new attaching entity that caused the pole replacement and directly benefitted from it³; and,

WHEREAS, Electric utilities are generally rate-regulated and do not charge a premium for make-ready work or pole attachments, as these revenues are accounted for as offsets to rates paid by electricity customers; and,

WHEREAS, Numerous rural cooperative utilities in recent years have offered discounted or even free pole attachment access to their utility distribution poles as an incentive for telecommunications providers to bring broadband to their service territories and these providers still did not offer to serve these areas⁴;and,

WHEREAS, Electric utilities prudently plan, operate, and update their infrastructure to support the reliable delivery of electricity to customers across the country; and,

WHEREAS, If granted, the NCTA petition would actually serve as a disincentive for utilities to voluntarily provide access to their distribution poles as the resulting process would add unnecessary layers of bureaucracy, costs, and stifle innovation⁵.

NOW, THEREFORE, BE IT RESOLVED, that the Federal Communications Commission should reject the NCTA petition on pole attachments as it would only serve to shift costs and delay deployment of broadband services in unserved and underserved areas;

AND LET IT BE FURTHER RESOLVED, that the FCC should instead promote rules and policies that encourage collaboration and partnership between utilities and telecommunications companies in order to develop smarter, safer, and more technically efficient services for the public.

¹ [https://ecfsapi.fcc.gov/file/107161552527661/071620%2017-84%20NCTA%20Petition for Declaratory Ruling.pdf](https://ecfsapi.fcc.gov/file/107161552527661/071620%2017-84%20NCTA%20Petition%20for%20Declaratory%20Ruling.pdf)

² https://utc.org/wp-content/uploads/2020/05/UTC_Poles_DETAILED_HISTORY_Clean.pdf

³ https://utc.org/wp-content/uploads/2020/09/Reply-Comments-on-NCTA-PDR_WC-Docket-No.-17-84-Final-002.pdf

⁴ https://www.cooperative.com/topics/telecommunications-broadband/Documents/pole_attachment_fact_sheet_final.pdf

⁵ https://utc.org/wp-content/uploads/2020/09/EEI-NRECA-UTC-Comments-on-NCTA-PDR_WC-Docket-No.-17-84-004.pdf