November 17, 2025

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

RE: Notice of Inquiry, WC Docket No. 25-253

Submitted to Electronic Comment Filing System

Dear Secretary Dortch:

On behalf of the Rural County Representatives of California, the California State Association of Counties (CSAC), the League of California Cities (Cal Cities), we write to provide concerns and recommendations regarding the Federal Communications Commission (FCC) Notice of Inquiry (NOI) in the matter of "Build America: Eliminating Barriers to Wireline Deployments."

Our members are committed to facilitating the timely, safe, cost-effective deployment of broadband and telecommunications infrastructure. We share the Commission's goal of accelerating broadband deployment and closing the digital divide. We are deeply concerned that the NOI misdiagnoses the true causes of limited broadband availability in rural America and risks producing outcomes that would widen, not close, the digital divide.

The NOI frames local government permitting and right-of-way (ROW) management as a barrier to deployment,[1] yet, the primary barriers in rural regions are economic—e.g. low population density, long distances, limited return on investment—not local regulation. The NOI's proposed preemption of local authority under Section 253 would not compel providers to serve underserved or high-cost areas; rather, it would simply remove oversight in profitable, already-connected markets and detrimentally impact under resourced jurisdictions with one-size-fits-all policies.

We urge the FCC to pursue the goal of accelerating wireline broadband deployment in a manner that respects the vital role of state and local governments in managing the public ROW, ensuring public safety, protecting the environment, and safeguarding taxpayer resources. Preempting state and local authority without

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[1] NOI ¶¶ 7-10.

addressing the underlying economic disincentives to equitable infrastructure investments would do more harm than good.

We urge the Commission to not equate wireline deployments with rules designed for small wireless facilities, as the NOI suggests.[2] Wireline projects often involve trenching, underground conduit, pole attachments, and road reconstruction—activities that directly implicate public safety, wildfire prevention, flood control, and traffic management (such as ingress and egress routes). It is imperative that local governments retain authority to conduct engineering, traffic, and safety review of construction in the public ROW, coordinate across agencies to prevent service disruptions, ensure compliance with environmental and historic preservation laws, and protect public infrastructure through the imposition of reasonable construction timing and restoration requirements.

If the Commission considers establishing "shot clocks" for wireline permits, which we strongly oppose, it should 1) allow tolling when applications are incomplete or inter-agency coordination is required; 2) exclude complex, multi-location projects from any "deemed granted" remedy; and 3) preserve clear standards consistent with Section 253 (b) to, among other things, protect public safety and welfare. Rigid federal timelines that ignore local staffing, environmental review, or emergency conditions will not accelerate deployment, it will only reduce accountability and compromise safety.

The Commission should not impose caps on cost recovery for owners of publicly owned or managed poles, as well as avoid importing small cell fee "safe harbors" devised for an entirely different technology and regulatory context.[3] Local government fees must have the flexibility to reflect actual, objective local costs. Work on poles, trenching and road construction presents additional expenses and complexity. Cost recovery for unique rural factors, such as terrain, seasonal access, and wildfire mitigation requirements, must be allowed. Further, the NOI's suggestion that the FCC could impose uniform "cost-based" limits nationally overlooks the statutory structure of Section 253, which allows state or local governments to manage public ROW and receive fair and reasonable compensation from telecommunications providers for such use of public ROWs. A one-size-fits-all cap would undercut cost recovery in rural areas and subsidize deployments in wealthier, high-return markets.

Moreover, local requirements for in-kind contributions—such as excess conduit, spare fiber, or road repaving—should remain legitimate and permissible for project-specific conditions, e.g. direct relation to the project's impacts on the ROW.[4] Blanket federal restrictions on in-kind contributions would strip communities of the few tools they have to ensure long-term infrastructure benefits are realized.

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[2] NOI ¶ 2.
[3] *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order,* WT Docket No. 17-79; WC Docket No. 17-84, FCC 18-133, ¶¶ 70-79 (released September 27, 2018) ("Small Cell Order").
[4] NOI ¶ 50.

The Commission's rules should support, not penalize, rural development and deployment challenges. Rural areas, for example, face unique challenges such as limited construction seasons, steep topography, wildfire hazards, and workforce constraints. Overly rigid one-size-fits-all shot clocks or fee caps risk discouraging investment in these regions by making complex rural projects financially or logistically infeasible. We agree that real barriers remain to closing the digital divide, but they must be addressed through public investment, partnerships between local municipalities, broadband providers, and other users of the right of way and by protecting local authority to ensure accountability to our residents. If the FCC truly seeks to eliminate barriers, it should focus on actual service obligations in unserved and underserved areas, tying regulatory relief benefits and public subsidies[5] to measurable build-out in the communities experiencing the digital divide.

We urge the Commission to withdraw or substantially narrow this inquiry and instead work collaboratively with states and localities to develop incentive-based models that reward providers who commit to rural buildout and infrastructure resilience.

Thank you for your consideration of these comments. Should you have any questions, please do not hesitate to contact either Tracy Rhine with RCRC at trhine@rcrc.net, Mark Neuburger with CSAC at mneuburger@counties.org, or Damon Conklin at dconklin@calcities.org.

Sincerely,

Mark Neuburger
Legislative Advocate
California State
Association of Counties

Tracy Rhine
Senior Policy Advocate
Rural County
Representatives of
California

Damon Conklin
Legislative Advocate
League of California Cities

[5] Such as the $65 billion appropriated by Congress in 2021 for the deployment of communications infrastructure, through, for example, the Broadband Equity, Access, and Deployment (BEAD) Program, and four universal service programs.