NLC NATIONAL LEAGUE OF CITIES
A CENTURY OF STRENGTHENING CITIES

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

FIFTH REPORT AND ORDER, FOURTH FURTHER NOTICE OF PROPOSED RULEMAKING, AND ORDERS ON RECONSIDERATION

REPLY COMMENTS OF THE NATIONAL LEAGUE OF CITIES

INTRODUCTION

As the oldest and largest organization representing America's more than 19,000 cities, towns and villages, the National League of Cities (NLC) appreciates the opportunity to provide comment on the Federal Communications Commission's (Commission) Fourth Further Notice of Proposed Rulemaking in the above-referenced proceeding.[1] America's cities are partners in closing the digital divide through intergovernmental and public-private collaboration, innovations in local permitting processes and policies, locally-oriented planning, and wise management of limited public resources. Local leaders share the Commission's goal of timely, safe, cost-effective deployment of broadband infrastructure. However, this must not come at the expense of local authority, undermine public safety, or impose unfunded mandates on communities.

[1] Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Fifth Report and Order, Fourth Further Notice of Proposed Rulemaking, and Orders on Reconsideration, WC Docket No. 17-84, FCC 25-38 (rel. Jul. 25, 2025) ("Fourth FNPRM")

THE COMMISSION LACKS AUTHORITY TO REGULATE LIGHT POLES UNDER SECTION 224

The Commission asks whether light poles should be regulated under Section 224 of the Communications Act, and whether existing pole attachment rules should be applied as currently written to light poles.[2] NLC opposes a blanket inclusion of light poles. If the Commission proceeds with further regulation that encompasses light poles, it must be limited to investor-owned utility poles that are owned and controlled by that utility, with clear exemptions for public utilities and municipally owned or controlled poles. NLC agrees with the comments of the Utilities Technology Council (UTC), noting that Congress expressly did not contemplate expanding Section 224 to cover every form of utility-owned equipment or street furniture.[3]

Local governments and public utilities construct and manage poles not just for power distribution or telecommunications equipment, but also for uses such as traffic signals, decorative streetlights and signage, and critical public safety infrastructure. Treating light poles as identical to distribution poles ignores the differences in design, capacity, purpose, and limitations, as noted by comments from Dominion Energy, et. al.[4] For example, many of these light poles are much shorter than the presumed 37.5' minimum pole height of typical utility distribution poles. They were not constructed in contemplation of needing to have a usable communications space as on distribution poles. Make-ready work for placement of communications equipment on light poles may be substantially more complex or expensive than that required for distribution poles. They were not built to safely carry the load of communications equipment and wiring and would require replacement or strengthening to bear the necessary weight or risk pole failure. That replacement or strengthening risks running counter to the overall streetscape design or the safety requirements of light poles, whether by no longer conforming to the intended aesthetic design of the street, or by eliminating certain collision safety features, as noted by UTC.[5] Local governments and municipal utilities are currently capable of assessing existing street furniture as suitable for attachment or not on a voluntary basis, and of entering into agreements with providers when they make sense in context.

---

[2] Ibid at para. 66-67.
[3] Utilities Technology Council in the matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, September 22, 2025, at pp. 12-14. ("Utilities Technology Council")
[4] Dominion Energy North Carolina, Dominion Energy Virginia, Dominion Energy South Carolina, Inc. and Xcel Energy Services Inc. in the matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, September 22, 2025, at pp. 35-36. ("Dominion")
[5] Utilities Technology Council, 14.

THE COMMISSION LACKS AUTHORITY TO PREEMPT LOCAL AUTHORITY OR REGULATE MUNICIPAL OR PUBLIC UTILITY POLES UNDER SECTION 224

The Commission asks whether it should use its authority under Section 224 to preempt local decision making and right of way management.[6] Local governments manage rights of way and the infrastructure within rights of way to ensure public safety, preserve community aesthetics, and protect all necessary uses of the rights of way. Federal preemption under Section 224 of local codes, permitting, or contracts regarding light poles would undermine these local responsibilities. Congress clearly excluded municipal and public utilities from Section 224, which explicitly defines "utility" for purposes of pole attachment regulation as excluding entities owned by states, territories, or "any political subdivision, agency, or instrumentality thereof."[7]

NLC opposes use of Section 224 authority to preempt local decision making and urges the Commission to preserve local authority consistent with Sections 253 and 332 of the Communications Act. To the extent that providers wish to leverage street furniture other than utility distribution poles as currently regulated for small wireless infrastructure, mechanisms already exist under prior Commission actions on structures in the rights of way under Sections 253 and 332. Expanding pole attachment regulations to further limit local authority over attachments to streetlights would not only be outside of the Commission's statutory authority and impractical for safety and design purposes, but also duplicative of and potentially conflicting with other existing limitations on governance of the rights of way.

THE COMMISSION SHOULD NOT SHIFT COST BURDEN ONTO MUNICIPAL UTILITIES AND LOCAL TAXPAYERS

The Commission poses several questions about the correct balance of fiscal and practical responsibilities between pole owners and attachers. Shifting costs of pole replacement to municipal owners and municipal utilities, imposing one-size-fits-all cost ceilings on local pole owners, eliminating safety protections for workers replacing or moving equipment, and allowing attachers to delay full payment of make-ready costs to municipal utilities does not accelerate the deployment of broadband; it merely socializes private industry costs while privatizing the benefits of the work. Current local policies around attachment rates, make-ready processes, approved contractor requirements, and cost recovery for pole replacement or modification reflect what a given community needs to keep the utility and city fiscally sound, as well as keeping workers and residents safe. Local utilities already can and do exercise the option to discount attachment rates

[6] Fourth FNPRM at para. 96-97.
[7] 47 U.S.C. § 224(a).

or implement expedited make-ready processes, where feasible, but should not be forced to comply with one-size-fits-all unfunded mandates that do not reflect local conditions.

The Commission must not allow attachers to end-run around utility contractor onboarding requirements. As noted in comments from the Coalition of Concerned Utilities, work on utility poles is dangerous, complex work requiring specialized training, and attempting to circumvent these processes puts the safety of contractors' employees, as well as employees of other tenants on the pole, at risk.[8] Similarly, the Commission should not impose caps on cost recovery for owners of light poles or publicly owned or managed poles. Work on light poles presents additional expenses and complexity not captured by rate structures designed for distribution poles. NLC agrees with comments from Southern Company, et. al. opposing limits on the ability of pole owners to assess timely payment for make-ready work, which is sporadic and not part of a utility or city's core business, and therefore impossible to adequately budget for in advance.[9] Timely payment of estimated make-ready costs is vital to allow pole owners to complete the work without forcing taxpayers or utility ratepayers to subsidize providers' costs for pole replacement, maintenance, and safety.

Lastly, NLC agrees with those commenters supporting efforts by the Commission to ensure attachers deploy equipment within a given time period after make-ready work has been completed, and to *complete* the work associated with that deployment.[10] Too often, communities have reported lengthy delays in providers deploying in the space that has been cleared for them and actually providing the broadband service promised to the community. In addition, cities receive numerous complaints from residents about pole work that is completed only to the point of allowing providers to use the attached lines and equipment, but without cleaning up materials such as excess cabling, or removing defunct and unused equipment from the pole. Materials left behind or restoration work left undone create visual blight for communities and can be dangerous for residents using the sidewalks and streets adjacent to poles and streetlights. This neglect creates additional expense for the utility or city, which must then pursue remedy from the attacher or, in the absence of action, remove the materials themselves. The cost to do so is ultimately borne by residents paying taxes or utility bills.

---

[8] Coalition of Concerned Utilities in the matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, September 22, 2025, at pp. 30-39.

[9] Southern Company, et. al. in the matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, September 22, 2025, at p. 29.

[10] Southern Company, et. al. at pp. 25-28; Dominion at pp. 2-8.

CONCLUSION

Local governments are eager to partner with the Commission to accelerate broadband deployment. At the same time, we urge the Commission to respect congressional intent, ensure that new pole attachment rules do not impose unfunded mandates on municipal utilities, preempt local authority to ensure safety, reliability, and wise use of public resources, or set rate caps that do not account for the full cost of managing attachments for city-owned or managed poles. NLC agrees that real barriers remain to closing the digital divide – but they must be addressed through public investment, partnership between local government, broadband providers, and other users of the rights of way, and protecting local authority to innovate and ensure accountability to residents.

On behalf of the nation's cities, towns and villages, we thank you for consideration of these comments and for your continued partnership. If you have any questions, please contact Angelina Panettieri, Legislative Director for Information Technology and Communications, at panettieri@nlc.org.

Respectfully Submitted,

Clarence E. Anthony
CEO and Executive Director
National League of Cities

October 21, 2025