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In the Matter of )  
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Accelerating Wireline Broadband ) WC Docket No. 17-84  
Deployment by Removing Barriers )  
to Infrastructure Investment )  
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## **Comments of R Street Institute**

### **I. Introduction & Summary**

Accelerating the deployment of broadband infrastructure is the very best thing the Federal Communications Commission (“FCC” or “Commission”) can do right now. Other high-profile proceedings may get more attention,<sup>1</sup> but closing the Digital Divide and Homework Gap between rural and urban areas, and between wealthy and poor Americans, should be the FCC’s top priority. For these reasons, we applaud the Commission for putting forward this proposal seeking input on new ways to promote wireline broadband infrastructure deployment.<sup>2</sup>

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<sup>1</sup> See e.g., Restoring Internet Freedom, *Notice of Proposed Rulemaking*, WC Docket No. 17-108 (May 23, 2017), available at <https://goo.gl/ZHUnZi>.

<sup>2</sup> Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, *Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment*, WC Docket No. 17-84 (Apr. 21, 2017) [“NPRM”], available at <https://goo.gl/7NyMIV>.

There is much that the FCC can do within its existing authority to preempt certain state or local practices that unreasonably restrict broadband deployment, and to require certain other steps be undertaken that reasonably can be expected to promote broadband deployment. However, those are not the only options available at hand. The FCC's Broadband Deployment Advisory Committee ("BDAC" or "Committee")<sup>3</sup> was wisely established to convene reasonable discussions among relevant stakeholders, including industry experts, civil society groups, and policymakers from the state and local levels.<sup>4</sup> The BDAC can play a pivotal role in dispute resolution and promotion of broadband deployment, while avoiding costly litigation over questions of authority or process. Thus, we encourage the FCC to exercise its preemptive authority only with respect to the limited cases in which states or localities clearly have run afoul of the Commission's duties under the Communications Act.

Specifically, to promote wireline infrastructure deployment, we encourage the FCC to use its authority to ensure "just and reasonable" access to public rights of way,<sup>5</sup> and further its duty to promote broadband deployment and competition,<sup>6</sup> by doing three things: (1) Declare unlawful any fees that go above and beyond what is required to compensate states and localities fairly for the costs they incur in maintaining public rights

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<sup>3</sup> See FCC Announces the Establishment of the Broadband Deployment Advisory Committee and Solicits Nominations for Membership, *Public Notice* (Jan. 31, 2017), available at <https://goo.gl/cr68zh>.

<sup>4</sup> See FCC Announces the Membership and First Meeting of the Broadband Deployment Advisory Committee, *Public Notice*, GN Docket No. 17-83 (Apr. 6, 2017), available at <https://goo.gl/elhys1>.

<sup>5</sup> See, e.g., 47 U.S.C. §§ 224, 253, 257.

<sup>6</sup> See, e.g., 47 U.S.C. §§ 151, 160, 1302.

of way; (2) declare unlawful any conditions that unreasonably restrict broadband deployment, providing less restrictive alternatives where appropriate; and (3) remove or amend any outdated rules that unreasonably delay the IP transition and network upgrades.

## **II. Role of the BDAC**

The BDAC's mission is to make "recommendations to the Commission on how to accelerate the deployment of high-speed Internet access, or 'broadband,' by reducing and/or removing regulatory barriers to infrastructure investment."<sup>7</sup> The Committee is an ideal source of academics, industry experts, and localized knowledge that should be able to facilitate more rapid and widespread deployment of broadband infrastructure by resolving differences between competing interests and incorporating their findings into model codes that balance the legitimate concerns of all parties.

Merely developing and promulgating such model codes could boost broadband deployment greatly — especially if Commission staff continue their commendable efforts to engage citizens and stakeholders outside the Beltway — as state and local policymakers who seek to better serve their citizens' communications needs move to conform their ordinances and procedures with the BDAC models. However, there are several instances where changes to Commission rules and even preemption of state and local laws may be warranted.

## **III. Ensuring Just and Reasonable Access to Public Rights of Way**

For incumbent Internet service providers ("ISPs") to upgrade their existing broadband networks, or for new entrants to deploy competing broadband networks, they

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<sup>7</sup> *Public Notice*, *supra* note 3, at 1.

must obtain access to public rights of way. The FCC is empowered with the authority and duty to ensure that the “rates, terms, and conditions” of access to public rights of way are “just and reasonable”<sup>8</sup> and “nondiscriminatory.”<sup>9</sup> This authority covers both utility poles and plastic conduits,<sup>10</sup> which are particularly relevant going forward, as new and more recent housing developments typically have buried utility lines. However, the authority currently governs only slightly more than half the country, as 20 states and the District of Columbia have now reverse-preempted the FCC’s pole attachment regime.<sup>11</sup>

The Commission arguably could revoke the certifications under Section 224(c) of the states and territories that have reverse-preempted the FCC’s pole attachment regime.<sup>12</sup> Specifically, the Commission might argue that to “regulate”<sup>13</sup> pole attachments in an “effective”<sup>14</sup> way means ensuring nondiscriminatory and efficient access to public rights of way and charging access rates that are no higher than the costs incurred by government to maintain the public rights of way. These arguments deserve careful consideration. Indeed, some may be worth pursuing, even if they will provoke strong legal challenges. They ultimately may be of little concern, though, if the BDAC is effective in developing model codes and policymakers at all levels can be pushed to conform to the models most likely to accelerate broadband infrastructure deployment. Nonetheless, the Commission should re-

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<sup>8</sup> See 47 U.S.C. § 224(b)(1).

<sup>9</sup> See 47 U.S.C. § 224(f)(1).

<sup>10</sup> See 47 U.S.C. § 224(a)(4).

<sup>11</sup> NPRM at ¶ 4 n. 9.

<sup>12</sup> *Id.* at ¶ 108.

<sup>13</sup> 47 U.S.C. ¶ 224(c)(2).

<sup>14</sup> 47 U.S.C. ¶ 224(c)(3)(A).

examine its pole attachment regime in earnest and give due consideration to whether any legal interventions or changes to its rules are warranted.

### **A. Excessive Fees**

Local governments and utilities have a monopoly over access to public rights of way. Thus, effective competition to discipline access pricing is impossible, and it is incumbent on government to ensure that the rates, terms, and conditions of rights-of-way access are just, reasonable, and nondiscriminatory.<sup>15</sup> It is entirely reasonable for localities to recover the costs of evaluating and approving applications to deploy new infrastructure, as well as the costs of maintaining the public rights of way. However, charging higher fees than are essential to this process imposes real costs on consumers in the form of slower broadband deployment, reduced connectivity, and higher prices.

Recently, some localities have begun charging “market-based” access fees that are significantly higher than necessary to recover their actual costs. Examples of such unreasonable fees were well-documented in the petition for declaratory ruling filed by Mobilitie late last year,<sup>16</sup> and in comments filed in response to said petition,<sup>17</sup> but real-

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<sup>15</sup> See 47 U.S.C. § 224(b), (f).

<sup>16</sup> See Promoting Broadband for All Americans by Prohibiting Excessive Charges for Access to Public Rights of Way, *Petition for Declaratory Ruling* (Nov. 15, 2016) [“Mobilitie Petition”], available at <https://goo.gl/Ypng4T>; see also Comment Sought on Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies; Mobilitie, LLC Petition for Declaratory Ruling, *Public Notice*, WT Docket No. 16-421 (Dec. 22, 2016), available at <https://goo.gl/1Rg5rN>.

<sup>17</sup> See, e.g., Comment Sought on Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies; Mobilitie, LLC Petition for Declaratory Ruling, *Comments of TechFreedom*, WT Docket No. 16-421 (Mar. 8, 2017), available at <https://goo.gl/pGmzT5>.

world examples abound of local governments charging unreasonable fees for access to public rights of way. Baltimore, for instance, requires broadband providers to use the city's own conduit network and has increased access fees over time, including a more than threefold increase in 2016.<sup>18</sup> Even accounting for inflation and the increased cost of labor, a threefold annual increase in rights-of-way fees is patently unreasonable. Moreover, the city gives more favorable rates to some providers than others,<sup>19</sup> discriminating unfairly in its provision of access to public rights of way and essentially picking winners and losers in the local broadband market. Such fee increases and discriminatory behavior do not reflect increases in costs and they obstruct, rather than promote, broadband deployment.

As discussed above, competition cannot discipline pricing of access to public rights of way, as they are controlled by government-protected monopolies. Cost-based pricing attempts to mimic the perfectly competitive result in which prices equal marginal cost. The Commission should use its authority to declare that "just and reasonable" fees for access to public rights of way must be cost-based, and that any fees above what is reasonable to cover the actual costs of granting rights-of-way access are unreasonable and unlawful.

The exact costs of rights-of-way access are difficult to calculate, however, and the bureaucratic effort of setting such access fees is likely not worthwhile. Thus, the Commission should simply declare that cost-based pricing is required,<sup>20</sup> and require that localities make schedules of their access charges publicly available.<sup>21</sup> The added visibility of

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<sup>18</sup> Complaint for Declaratory and Injunctive Relief and Damages, at ¶¶ 25–35, *Zayo Grp. v. Mayor & City Council of Baltimore*, JFM-16-592 (D. Md. June 14, 2016).

<sup>19</sup> *Id.*

<sup>20</sup> See NPRM ¶¶ 35–37.

<sup>21</sup> *Id.* ¶¶ 33–34.

such charges should discourage above-cost pricing and enable the Commission to more easily spot aberrations or outliers that likely signal unreasonable pricing. To promote broadband deployment, state and local governments should already make inventory databases of public assets and rights of way readily available. Adding a schedule of fees for rights-of-way access to those databases should significantly accelerate broadband deployment, while imposing little cost on state and local governments.

## **B. Unreasonable Conditions**

In addition to unreasonably high fees, state and local governments often impose additional terms and conditions on broadband providers that discourage infrastructure deployment. Since broadband providers make their investment decisions on the margin, any additional cost imposed by burdensome terms and conditions will reduce the overall rate of deployment. The Commission should investigate these unreasonable conditions and, where appropriate, declare them unlawful.

### **1. Extracting Unfair Contributions**

Extracting public interest contributions is nothing new to the telecommunications sector, as such practice was common during the initial rollout of cable franchises in the late 20th century. However, in the 21st century, when broadband providers operate in a competitive environment free from state-backed monopolies, these contributions quickly become unfair and unreasonable barriers to broadband deployment. For example, in 2013, Los Angeles attempted to get a broadband provider to deploy and offer free access to a

fiber network and to provide free Wi-Fi throughout the city.<sup>22</sup> This proposal was considered unreasonable even by frequent industry critics. Notably, Public Knowledge Senior Vice President Harold Feld said that finding an ISP willing to build under those terms was “about as likely” as finding a supplier of unicorns.<sup>23</sup>

Unfortunately, similar examples of state and local governments trying to extract unreasonable contributions from broadband providers are all too common. In 2002, the New York State Thruway Authority, for example, required Verizon to donate two of its eight ducts for the Authority’s own use.<sup>24</sup> Similarly, in 2006, Portland routinely required companies like Qwest and Time Warner Cable to make in-kind contributions to support the city’s effort to deploy and operate a competing broadband network.<sup>25</sup>

While municipal networks theoretically can provide additional competition and augment broadband deployment, their track record of doing so has been abysmal. A recent study by the Center for Technology, Innovation, and Competition at the University of Pennsylvania modeled the cost and rate of return on municipal fiber networks, estimating

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<sup>22</sup> Jon Brodtkin, *Skeptics Say LA’s Free Fiber Plan as Plausible as Finding a Unicorn*, ARS TECHNICA (Nov. 8, 2013), available at <https://goo.gl/kFmvXf>.

<sup>23</sup> *Id.*

<sup>24</sup> *See, e.g.*, Level 3 Communications Petition for Declaratory Ruling that Certain Right-of-Way Rents Imposed by the New York State Thruway Authority are Preempted Under Section 253, *Comments of Verizon and Verizon Wireless*, WC Docket No. 09-153, at 5 (Oct. 15, 2009) available at <https://goo.gl/8iNoPa> (“As part of the agreement, NYSTA also required MCI to donate two of its eight ducts it constructed in the rights-of-way.”).

<sup>25</sup> *Time Warner Telecom of Or. v. City of Portland*, 452 F. Supp. 2d 1103, 1105 (D. Or. 2006).



that a typical project would not recover its costs for 318 years and that many current projects will never recoup their initial costs.<sup>26</sup>

Requiring in-kind contributions from broadband providers results in misallocation of capital as it gets directed to less valuable uses, like supporting failing municipal networks. This misallocation means less investment in viable network infrastructure and, therefore, worse service and higher prices for consumers. The Commission should declare unlawful and preempt all conditions that are not reasonably related to deploying broadband infrastructure in the public rights of way.<sup>27</sup>

## 2. Needlessly Delaying Make-Ready Work

Whether accessing utility poles or conduits, the most efficient way to upgrade existing networks or deploy new broadband infrastructure is to have a single construction crew perform all the necessary work, rather than having the work done in shifts by multiple crews. In the context of utility poles, this strategy is typically referred to as Climb Once (or, alternatively, One-Touch Make Ready), because it eliminates the need for multiple crews to come in one-at-a-time to perform separate climbs. In the context of conduits, this strategy is typically referred to as Dig Once, because it eliminates the need for multiple crews to come in one-at-a-time to perform separate digs. The Commission's rules currently do not require states or localities to implement Climb Once or Dig Once policies, but the NPRM proposes to change that.<sup>28</sup> We support this change.

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<sup>26</sup> Christopher S. Yoo & Timothy Pfenninger, *Municipal Fiber in the United States: An Empirical Assessment of Financial Performance*, at 14 (May 24, 2017), available at <https://goo.gl/pPoent>.

<sup>27</sup> See 47 U.S.C. § 224(b).

<sup>28</sup> NPRM ¶ 6-31.

When an incumbent or new attacher seeks to access utility poles or conduit to make network upgrades or new deployments, the other network operators in the local market have strong incentives to drag their feet and delay for as long as possible, because doing so helps stave off competition and protect revenue from existing subscribers. Such dilatory tactics are particularly likely where the utility poles or conduit are owned by a direct competitor to the would-be new entrant (such as a municipal broadband network, or an incumbent telco or cable network). The Commission's rules currently limit the scope of such anticompetitive behavior by imposing timelines for the various stages of make-ready work (e.g., processing applications, estimating costs, and performing the make-ready work itself). Altogether, the process takes about five months to complete, assuming the incumbents take all their allotted time, as they have strong incentive to do, and assuming there are no unexpected delays, as there sometimes are.<sup>29</sup> The Commission should exercise its authority to expedite this process.

Ideally, as stated above, the Commission would formally amend its rules to specify that "just and reasonable" pole-attachment conditions require putting Climb Once and Dig Once policies into place. These are the most efficient ways to perform make-ready work and, thus, the best ways to promote broadband deployment and competition going forward.<sup>30</sup> Potentially, such a change could even extend to the 20 states and District of Columbia that have reverse-preempted the FCC's pole-attachment regime, if the

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<sup>29</sup> *Id.* ¶ 6–7.

<sup>30</sup> *See* 47 U.S.C. § 224(b)(1) (detailing the FCC's pole-attachment authority); *see also* 47 U.S.C. § 151, 160, 253, 257, 1302 (describing the FCC's various duties to promote broadband deployment and competition).

Commission determines that such policies are necessary prerequisites to certify that a state adequately “regulates” pole attachments.<sup>31</sup> However, such a legal maneuver is untested. To the extent the FCC is unable to impose Climb Once and Dig Once policies across the board, it should encourage the BDAC to develop model versions of such policies and encourage states and localities to implement those policies in their own pole-attachment regimes.

While Climb Once and Dig Once policies will best promote broadband deployment and serve Americans' communications needs, the Commission must balance the interests of consumers and new entrants with those of incumbent providers and state and local governments.<sup>32</sup> Using a single construction crew — even one approved by all relevant stakeholders — may increase the risks of network outages or other complications during make-ready work. These potential harms must be accounted for in any potential rule change. Fortunately, there are several reasonable ways to ameliorate or avoid these potential harms.

Giving notice to existing attachers in advance of make-ready work is the least that should be required.<sup>33</sup> As AT&T points out,<sup>34</sup> existing attachers are best able to determine the risks posed by new make-ready work. Thus, a reasonable pole-attachment regime would require that new attachers give advance notice and that existing attachers have an opportunity to perform their own make-ready work in instances where network outages are particularly likely to occur (that is, where the required make-ready work is “complex”

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<sup>31</sup> See 47 U.S.C. § 224(c).

<sup>32</sup> See NPRM ¶ 6.

<sup>33</sup> Cf. Louisville Ordinance No. O-427-15, § 116.72(D)(2) (requiring no notice be given in advance to existing attachers before make-ready work is undertaken).

<sup>34</sup> NPRM ¶ 19.

rather than “routine”), or where network outages are particularly likely to cause major harm (for example, where an incumbent’s network is providing safety-of-life or other mission-critical communications services to users). However, there must be checks in place to ensure that incumbent attachers do not abuse that option and overstate the degree of complex or mission-critical make-ready work to further delay competitive entry. This could be achieved by requiring such declarations by incumbents to be made in good faith and punishing any declarations found to have been made in bad faith.

Alternatively, new attachers should be able to elect to perform all complex or mission-critical make-ready work (in addition to routine make-ready work) on their own, provided they agree to indemnify all incumbents for any consequential damages suffered because of network outages caused by the make-ready work. Notice (of at least 14 days) should be provided in any case, so that new attachers can at least know which attachments are most likely to cause harm. Also, if incumbents opt to perform their own make-ready work on complex or mission-critical attachments, they should be held to a timeline akin to that established in the FCC’s 2011 Pole Attachments Order,<sup>35</sup> but, ideally, slightly more abbreviated (say, 30 days).

Finally, if the Commission determines that Climb Once and Dig Once policies should not be required, it must at least expedite the current timeline for make-ready work. One way to do this would be simply to shorten the relevant timelines, while another would be to provide financial incentives for incumbent attachers to get their make-ready work done

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<sup>35</sup> See Implementation of Section 224 of the Act; A National Broadband Plan for Our Future, *Report and Order and Order on Reconsideration*, WC Docket No. 07-245 (Apr. 7, 2011), available at <https://goo.gl/YBqViu>.

in a timely fashion. Theoretically, if the relevant fines (for getting work done late) or bonuses (for getting work done early) are sufficiently large, they could offset incumbents' financial incentives to stave off competitive entry for as long as possible. However, calculating the size of the financial incentives necessary to overcome existing dilatory incentives would be a difficult task for the Commission to undertake, and the bureaucratic costs necessary to accomplish that task would still not produce a pole-attachments regime as efficient as Climb Once and Dig Once. Thus, we favor adopting Climb Once and Dig Once policies, with adequate notice, choice, and indemnity provisions in place to account for the interests of all relevant stakeholders.

### **3. Enacting Moratoria**

Faced with broadband providers who are unwilling to meet to the unreasonable demands of local governments, or who seek to deploy new infrastructure that will compete with municipal or incumbent networks, some localities have gone as far as to institute deployment moratoria,<sup>36</sup> the most extreme form of barrier to infrastructure deployment.

Reasonable minds can disagree over what constitutes “reasonable periods of time” to process deployment applications, but there is no adequate justification to ban new broadband deployment outright. This practice is, unfortunately, all too common.<sup>37</sup> Moratoria protect incumbent providers from new competition, allowing them to rest on their laurels and forego network upgrades or price competition in response to pressure

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<sup>36</sup> See NPRM ¶ 102.

<sup>37</sup> See, e.g., Mobilitie Petition, at 13.

from new entrants. The result is slower deployment, reduced service, and higher prices for consumers. We urge the FCC to use its authority to outlaw these harmful moratoria.

#### **IV. Promoting the IP Transition**

Basic economics dictate that a single dollar cannot be spent twice. Thus, every dollar spent by broadband providers to maintain their legacy copper networks is money that cannot be spent to upgrade networks or deploy next-generation broadband infrastructure. Perhaps more than anything else, the legacy rules governing copper retirement and discontinuance of service are holding back the transition to an all-IP environment. They result in deployment decisions being dictated by outdated federal rules rather than by the preferences of the bulk of consumers. The Commission has already taken significant steps to promote the IP transition,<sup>38</sup> but there is much more that can be done.

##### **A. Copper Retirement**

The copper networks once used to provide telephone and dial-up Internet access to Americans are now woefully outdated. Nevertheless, the FCC maintains strict rules that forbid network operators from retiring their copper if it is still being used by existing customers. While there may be good reason to maintain copper networks, the choice to require such maintenance has opportunity costs. Resources spent maintaining old networks cannot be spent upgrading and deploying next-generation infrastructure and services.

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<sup>38</sup> See, e.g., *Technology Transitions, Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking*, GN Docket No. 13-5 (Aug. 7, 2015) [“2015 Technology Transitions Order”], available at <https://goo.gl/imJrEs>; *Technology Transitions, Declaratory Ruling, Second Report and Order, and Order on Reconsideration*, GN Docket No. 13-5 (July 15, 2016), available at <https://goo.gl/0BRTLm>.

Consumers have demonstrated their preference for newer broadband services over legacy copper-based services. Particularly for broadband, but even for voice service, consumers increasingly rely upon fiber, cable, and/or wireless access solutions. According to the Centers for Disease Control and Prevention’s National Center for Health Statistics, more than half of American households no longer have a landline telephone.<sup>39</sup> Meanwhile, the Pew Research Center finds that 95 percent of U.S. adults have a mobile phone.<sup>40</sup> Moreover, while seniors traditionally have been most affected by discontinuing copper telephone service, Pew finds that 80 percent of those over 65 years old now have a mobile phone.<sup>41</sup>

Thus, in most cases, retiring copper networks does not leave Americans completely without service, because they have wireless access on which to fall back. Wireless service may not be able to compete directly with high-speed broadband, but it can easily compete with the voice service and narrowband throughput provided over legacy copper networks. Thus, the Commission should reconsider its “functional test” standard and declare that wireless service is functionally equivalent to copper phone service, as it preserves access to loved ones and emergency services.<sup>42</sup>

The transition to higher quality, next-generation service provision is happening, and consumers are seeing the benefits. The Commission should seek to facilitate, not hamper,

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<sup>39</sup> Stephen J. Blumberg & Julian V. Luke, Div. of Health Interview Statistics, Nat’l Ctr. for Health Statistics, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July–December 2016*, at 1 (May 2017), available at <https://goo.gl/1COeF5>.

<sup>40</sup> Pew Research Ctr., *Mobile Fact Sheet* (Jan. 12, 2017), available at <https://goo.gl/imJrEs>.

<sup>41</sup> *Id.*

<sup>42</sup> NPRM ¶¶ 115–22.

this transition as much as possible by making rules for copper retirement less, not more, stringent. Toward that end, the Commission should repeal Section 51.332 of the Commission rules<sup>43</sup> and the burdensome requirements of the *2015 Technology Transitions Order*.<sup>44</sup> That Order unnecessarily expanded notification requirements, lengthened the timeline for the retirement process and, thereby, delayed upgrading to IP networks.

The *Technology Transitions Order* has and will continue to “frustrate rather than further the IP Transition.”<sup>45</sup> It is not in the public interest to require resources that could be used to provide larger benefits to more consumers to instead prop up outdated networks when comparable or better alternatives are available.

## **B. Discontinuance of Service**

As with the rules on copper retirement, the Commission’s current rules on discontinuance of service are holding back the IP transition by requiring ISPs to spend precious capital maintaining outdated copper networks and offering legacy services, rather than spending that capital on network upgrades or new deployments. The Commission’s proposal to streamline the discontinuance process seem prudent, and we support those efforts.<sup>46</sup>

For certain uses, particularly those of government agencies, a discontinuance or impairment of service may cause serious harm. However, we feel those harms can be

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<sup>43</sup> 47 C.F.R. § 51.332

<sup>44</sup> 2015 Technology Transitions NPRM

<sup>45</sup> *Id.*, at 15038 (Statement of Commissioner Ajit Pai).

<sup>46</sup> NPRM ¶¶ 71–99.



adequately addressed and avoided by a simple notice-and-choice system as proposed by NTIA.<sup>47</sup>

## **V. Conclusion**

In order for the United States to be a global leader in broadband connectivity, the FCC must take significant steps to improve the siting and deployment of new wireline broadband infrastructure. Some of those steps include changes to Commission rules or even preemption of state or local practices that run afoul of the Communications Act. Many others simply require leadership and thorough consideration of the interests of all parties.

When state and local governments work together with broadband providers, they can achieve tremendous results, such as the wireless network recently deployed by Microsoft and the Mid-Atlantic Broadband Communities Corporation to provide broadband service to K–12 students in rural Virginia.<sup>48</sup> The Commission needs to champion initiatives like this. It should encourage policymakers at all levels of government to work collaboratively with broadband providers in order to promote infrastructure deployment, close the Digital Divide, and deliver next-generation communications services to all Americans.

We thank the Commission for taking up this important and timely issue, and we urge it to take the suggested actions as quickly as possible.

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<sup>47</sup> *Id.* ¶¶ 82–84.

<sup>48</sup> See Microsoft News Center, *Mid-Atlantic Broadband Communities and Microsoft Launch New Homework Network to Bring Thousands of Students Online in Rural Virginia* (May 23, 2017), available at <https://goo.gl/TGNVIY>.

