

July 27, 2026

The Honorable Brendan Carr, Chairman
The Honorable Anna M. Gomez, Commissioner
The Honorable Olivia Trusty, Commissioner
Federal Communications Commission
45 L Street NE
Washington, DC 20554

In re: *Reverse Preemption of Pole Attachment Regulation* WC Docket Nos. 17-84, 10-101

Dear Chairman Carr and Commissioners Gomez and Trusty,

We come together as groups committed to closing the digital divide and ensuring all Americans have access to affordable high-speed broadband, from urban city centers to far flung rural communities. While our nation has made great progress on these challenges, with nearly [a third of Hispanic Americans lacking home internet](#), there is far more yet to do.

As America undertakes the challenge of connecting everyone to the modern digital economy, disputes over access to utility poles continue to slow broadband deployment and increase the cost of deployment. We are grateful for the Commission's engaged and active leadership on this bipartisan national priority including the development of clear and fair standards for sharing pole costs and the creation of an accelerated dispute resolution process to keep projects moving forward.

Yet as this proceeding recognizes, in nearly two dozen states and territories, those clear and strong federal standards do not directly apply. The current "reverse preemption" regime, has resulted in an inconsistent hodgepodge of differing rules and approaches. In some cases, states can avoid federal regulation entirely by certifying that they regulate terms and conditions of pole access despite doing little to actually establish and enforce clear rules, cost terms, and timelines for pole attachment request and disputes. For example, some states like Illinois and New Jersey have no rules or regulations in place at all, while others like Delaware, Massachusetts, and Oregon have nominal high-level standards in place to govern pole requests but no clear timelines for handling them or expedited procedure to resolve disputes.

This chaotic patchwork causes a wide range of harms.

Higher Costs. This uncertainty drives up costs in multiple ways. It encourages pole owners to demand exorbitant prices for access, knowing that time pressure will lead many broadband builders to simply pay up right than fight. It leads to costly disputes that impose new costs for lawyers, experts, studies and all the trappings of modern lawsuits. And it freezes work in place and blows up job schedules, rippling new labor and material costs through the entire project.

A Bigger, Longer-Lasting Digital Divide. When deployment projects are delayed, people spend longer without access to broadband. And when budgets head underwater due to unexpected pole attachment costs and delays, the scope and reach of deployment inevitably gets scaled back, reaching fewer communities and households. Lack of clear rules and timely, effective enforcement in “reverse preemption” states means far less broadband bang for every federal buck. And the families waiting to be connected ultimately pay the price.

Even More Disputes! The lack of clear rules and standards in “reverse preemption” states doesn’t just make it harder to resolve disputes that inevitably arise, it actively generates new ones by making it harder for everyone to know where they stand. When attachers and pole owners all know the rules and when disputes are quickly resolved and don’t give either party significant leverage, it reduces the incentive to dig in and encourages compromise and fair deals.

To address these harms and bring clarity and consistency, we believe that the Commission should at a minimum actively review each “reverse preemption” state’s substantive and procedural approach to pole attachment costs and disputes.

We also support the Commission requiring states to recertify their active regulation of the terms and conditions of pole attachments. As the public notice states, a majority of current certifications were made before the broadband era and applied only to cable television attachment requests. The stakes of pole attachment are far higher now and the rules and timelines appropriate to disputes impacting video programming aren’t likely to be a good fit when education, health care, and access to the modern economy are at stake.

No state benefits from unnecessary delays, rising costs, or uncertainty in the pole attachment process. Clear and consistent rules help everyone by removing ambiguity, reducing disputes, and giving all parties a predictable framework for moving projects forward. And despite concerns raised by some state agencies in this proceeding, those same states governors have each made clear that broadband deployment is a priority for their administrations. The Commission can help advance that shared objective by encouraging reverse-preemption states to adopt modern, transparent, and dependable pole attachment frameworks that support timely deployment and help bring more Americans online.

Thank you for considering our views.

Sincerely,

Amy L. Hinojosa, President and CEO
MANA, A National Latina Organization

Brenda V. Castillo, President and CEO
National Hispanic Media Coalition