

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

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

**COMMENTS OF SIX MULTICULTURAL STAKEHOLDER BROADBAND
SUPPORTERS**

I. INTRODUCTION

The undersigned **six multicultural stakeholder broadband supporters** collectively represent millions of voices across the country and have long advocated to bridge the digital divide by advocating for broadband connectivity for every community, as well as enhanced access to digital readiness tools, devices, and educational resources to facilitate greater adoption of broadband by all communities. We are pleased to submit these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Further Notice of Proposed Rulemaking in this proceeding. Ensuring timely deployment of broadband to all families, households, and small businesses, and particularly those in greatest need, is of paramount importance to closing the digital divide and ensuring full participation in our digital world.

II. LACK OF BROADBAND AVAILABILITY DISPROPORTIONATELY HARMS OUR COMMUNITIES

A. Digital Divide Uniquely Burdens Rural Communities of Color

Although the United States’ public and private sectors have made meaningful progress in deploying broadband, millions of Americans still lack access to affordable, reliable, high-speed broadband. Specifically, 14.5 million Americans remain unserved, meaning they are unable to

consistently and reliably receive at least 25 megabits per second (“Mbps”) in download speed and 3 Mbps in upload speed.¹ Among the unserved and underserved, African American, Hispanics, and Native Americans have historically received the least access to broadband availability. Even after controlling for household income, age, educational attainment, and other factors, broadband adoption at home remains lower for African Americans (61.8%), Hispanic (65.7%) and Native Americans and Alaskan Natives (60.3%) than white Americans (72.2%).² And although Asian Americans as a group show a high level of broadband adoption (82.2%),³ a closer look reveals that digital divide indicators such as income level and educational attainment vary widely among Asian American communities and reflect disparities in broadband access and use as well.⁴

Rural families and households in particular lack connections to consistent, high-quality, high-speed broadband service.⁵ Nearly 1 in 5 Americans in rural areas (17.3 percent) lacks access to high-speed broadband.⁶ People of color residing in rural communities are even more disproportionately burdened by a lack of adequate broadband availability.⁷ Thirty-one percent of

¹ See *In re Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, Fourteenth Broadband Deployment Report, 36 FCC Rcd 836, 837 ¶ 2 (2021) (“Fourteenth Broadband Deployment Report”).

² See NATIONAL URBAN LEAGUE, FROM PAGE TO PROGRESS: BRINGING THE LATIMER PLAN TO LIFE THROUGH INFRASTRUCTURE INVESTMENT AND JOBS ACT FUNDING 24 (Feb. 4, 2022) (“NUL Digital Equity White Paper”).

³ See *id.* at 24.

⁴ For example, in 2015, 67.3% of Bhutanese Americans were enrolled as SNAP participants while only 2.38% of Thai Americans were enrolled. See Letter from Asian Americans Advancing Justice, et al., to Marlene H. Dortch, Secretary, F.C.C., WC Docket No. 21-450, at 4 (Dec. 8, 2021), https://www.fcc.gov/ecfs/file/download/DOC-5f66b87fcec00000-A.pdf?file_name=FCC%20EBB%20_%20ACP%20Comment%20Letter.pdf. Such statistics suggest that certain Asian American communities with significant broadband needs may be overlooked during discussions of closing the digital divide. See *id.* at 4.

⁵ Diverse Coalition Statement (July 30, 2021), <https://www.mmtconline.org/wp-content/uploads/2021/08/BB-Infrastructure-Coalition-Letter-7.30.21-FINAL-Version-1.pdf>.

⁶ See Fourteenth Broadband Deployment Report, 36 FCC Rcd at 854-55 ¶ 33 Fig. 1.

⁷ Letter from Sindy Benavides, Chief Executive Officer, LULAC, et al., to Chairman Pai and Commissioners, WC Docket No. 17-84 (Oct. 12, 2020).

Latinos lack access to broadband, and most are “clustered in rural communities, where high-speed broadband internet is the hardest to find.”⁸ In the rural South, Black residents are twice as likely to lack home internet than their white neighbors.⁹ The American Indian Policy Institute analyzed FCC data and found that the majority of Native Americans only have access to broadband speeds considered by the Commission to be less than “minimally acceptable.”¹⁰

Rural communities with high populations of communities of color are in need of greater investment in broadband infrastructure. While these communities may still have access to some internet connection that is technically available, these connections are often woefully inadequate in meeting the modern demands of our digital society, such as working from home, remote learning, and telehealth services.¹¹ The COVID-19 pandemic has particularly exacerbated the digital divide among vulnerable populations. For instance, 41% of Medicare patients lack access to a desktop or laptop computer with a high-speed Internet connection at home, despite telehealth appointments among Medicare primary care visits growing from 1% in March 2020 to 43.5% in April 2020.¹² Lack of access to broadband also fuels the homework gap. For example, 94% of

⁸ Sindy Benavides, *Rural Latino Communities Need Internet Access*, The Hill (Nov. 20, 2021), <https://thehill.com/opinion/technology/526878-rural-latino-communities-need-internet-access>.

⁹ Deepa Shivaram, *More than 1 in 3 rural Black southerners lack home internet access, a new study finds*, NPR (Oct. 6, 2021), <https://www.npr.org/2021/10/06/1043666017/internet-access-rural-black-southerners-digital-infrastructure-divide>.

¹⁰ Adam Edelman, “Congress could spend big on broadband. Tribal nations say it ain’t come soon enough.” NBC News, (May 23, 2021) <https://www.nbcnews.com/politics/joe-biden/congress-could-spend-big-broadband-tribal-nations-say-it-can-n1267923>.

¹¹ The FCC has also estimated that millions of Americans lack access to fixed broadband services with speeds of at least 25/3 Mbps but live in areas where lower-speed or non-terrestrial broadband services are available. *See In re Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, 2020 Broadband Deployment Report, 35 FCC Rcd 8986, 8991-92, 9003 ¶¶ 13, 36 (2020).

¹² NUL Digital Equity White Paper at 17, citing Dept. Health & Human Servs., Press Release, “HHS Issues New Report Highlighting Dramatic Trends in Medicare Beneficiary Telehealth Utilization among COVID-19” (July 28, 2020), available at <https://www.hhs.gov/about/news/2020/07/28/hhs-issues-new-report-highlighting-dramatic-trends-in-medicare-beneficiary-telehealth-utilization-amid-covid-19.html>.

low-income school districts assign homework to be completed online, but census data research suggests that 15-16 million K-12 students lack adequate access to the Internet or a device to complete schoolwork at home.¹³ The lack of reliable, consistent, high-speed broadband access therefore shuts out these students, families, and households from professional, educational, economic, and personal opportunities to meaningfully engage and advance in today’s digital society.

Evidence demonstrates that broadband investment yields substantial economic benefits for unserved communities. A report commissioned by Connect the Future¹⁴ found that “full achievement of broadband expansion to people across the country who still lack connectivity would create up to \$314 billion of new economic gains to America’s homes and small businesses.”¹⁵ These communities—often disproportionately communities of color—would greatly benefit from receiving more funding to provide affordable, high-speed internet access as well as the digital skills training required to adequately harness the benefits of the broadband deployment.

B. IIJA Creates an Historic Opportunity to Close the Digital Divide

The Infrastructure Investment and Jobs Act (“IIJA”), signed into law last year, provides an historic \$65 billion investment in broadband—\$14.2 billion to be allocated to the Affordable

¹³ NUL Digital Equity White Paper at 17, citing Delaney Crampton, “Closing the homework gap: Why accessibility to high-quality broadband matters to U.S. schoolchildren,” WASHINGTON CTR. FOR EQUITABLE GROWTH (Sept. 28, 2018), available at <https://equitablegrowth.org/closing-the-homework-gap-why-accessibility-to-high-quality-broadband-matters-to-u-s-schoolchildren/>.

¹⁴ Edward J. Lopez & Patricia D. Kravtin, *Advancing Pole Attachment Policies to Accelerate National Broadband Buildout*, Connect the Future (2021), <https://connectthefuture.com/wp-content/uploads/2021/11/Advancing-Pole-Attachment-Policies-To-Accelerate-National-Broadband-Buildout-National-Report.pdf>.

¹⁵ Press Release, Connect the Future, *New Study: Utility Pole Access Key to Speeding Broadband Deployment Across the Country* (Dec. 2, 2021), <https://connectthefuture.com/new-study-utility-pole-access-key-to-speeding-broadband-deployment-across-the-country/>.

Connectivity Program and \$48.2 billion in grant programs to be administered by NTIA.¹⁶ The programs under NTIA administration consist of the (1) Broadband Equity, Access & Deployment (“BEAD”) Program (\$42.5 billion), (2) Digital Equity Act Programs (\$2.75 billion), (3) Tribal Broadband Connectivity Program (\$2.0 billion), and (4) Middle Mile Infrastructure Program (\$1.0 billion).¹⁷

The IIJA promotes the goal of “ensuring all Americans have access to affordable, reliable, high-speed broadband,” and reflects a historic “whole-of-country effort” to close the digital divide.¹⁸ Through the BEAD Program and the Digital Equity Act Program, NTIA is empowered to target investment into the deployment gap that is contributing to that divide. And the Affordable Connectivity Program helps support low-income families and households in accessing the broadband service they need. Developing targeted solutions with broadband providers, community partners, and other stakeholders will address urgent problems that persist in keeping the United States from achieving universal broadband connectivity.

To assist in allowing for the success of these programs, the Federal Communications Commission should clarify or modify its rules to ensure that these broadband funding dollars go where Congress intended them to go: into deploying broadband networks and closing the digital divide. We urge the Commission to ensure that its rules—including rules regarding pole attachments, make-ready costs, and pole replacement costs—ensure just and equitable cost sharing so that Congress’s investment in broadband deployment can benefit all families in need of

¹⁶ This IIJA funding is in addition to the significant broadband funding previously made available through the American Rescue Plan Act and the Coronavirus Aid, Relief, and Economic Security Act.

¹⁷ The BEAD Program requires U.S. states and territories to prioritize broadband funding to unserved (those with internet speeds below 25/3 Mbps) areas, followed by underserved (those with internet speeds below 100/20 Mbps) areas and to offer a low-cost plan to their subscribers. The Digital Equity Act Program allocates funding to incorporate state-by-state digital equity planning and implementation and to run an annual national competitive grant program.

¹⁸ Request for Comments, 87 Fed. Reg. at 1123 § I.

broadband connectivity, including unserved, multicultural communities. Collectively, these actions will advance digital equity priorities for vulnerable communities and allow more digital inclusion efforts to scale.

III. FCC SHOULD ADOPT POLE ATTACHMENT REFORMS TO FACILITATE BROADBAND BUILDOUT TO COMMUNITIES WITH THE GREATEST NEED

One very common barrier to broadband deployment is access to utility poles. In order to facilitate greater broadband deployment, the Commission must make it a priority to govern how to allocate pole-replacement costs more equitably. If timely and reasonable access to poles is not a consideration when approvals for funding are made, broadband deployment to unserved parts of the country will continue to be stalled and government funding for broadband can go to waste. To deploy broadband in remote areas requires providers to attach their wires to existing utility poles that also carry electricity and telephone services to households. Unfortunately, some utility pole owners have used attachment requests as an opportunity to extract money from, or create delay, for new attachers through unreasonable make-ready requirements, fees, and demands for pole replacements. In addition, given the need to deploy broadband quickly to unserved communities, disputes brought to the FCC between pole owners and attaching broadband providers are in need of an expedited complaint process to ensure that the disputes are handled in a timely manner.

Our organizations urge the Commission to ensure broadband funding is targeted in support of deploying *broadband* by prioritizing reform of its pole attachment rules, so that the families and small businesses our organizations represent can fully participate in today's digital economy and benefit from all the digital opportunity that comes with getting online. Having the Commission clarify its pole attachment/replacement rules, adopt new rules where necessary, and promote

expedited dispute resolution will all speed up pole access and enable timely and more cost-efficient buildout of networks that will connect communities with the greatest need.¹⁹

A. Access to Utility Poles is a Common and Costly Barrier to Broadband Deployment

Community stakeholders have long raised concerns about access to poles becoming an impediment to reaching low-income and minority communities that have been left behind in terms of broadband access.²⁰ For example, in 2021, a coalition of diverse farming organizations wrote to shed light on the plight of minority communities in rural areas. One such community is Weirwood, Virginia—a mere five hours from Washington, D.C.—where the town’s 100 percent African American population lacks reliable high-speed broadband connectivity.²¹ Similarly, in the town of Chimayo, in north-central New Mexico, which is more than 90 percent Hispanic, only 41.8 percent of the population have broadband access as of 2018.²² Moreover, over 850,000 people living on Tribal Lands lack access to fixed broadband at speeds of at least 25/3 Mbps.²³ And, according to the FCC’s 2020 *Broadband Deployment Report*, Tribal areas “continue to face significant obstacles to broadband deployment.” Approximately 21 percent of Americans living on Tribal Lands and 36 percent of people living in rural Tribal Lands lack access to high speed internet.²⁴

¹⁹ See generally Kristian Stout & Ben Sperry, *Issue Brief: Pole Attachments and Broadband Build-out: The Case for Reform*, INT’L CTR. FOR LAW & ECON. (July 2021), <https://laweconcenter.org/wp-content/uploads/2021/07/Pole-Attachment-Issue-Brief.pdf>.

²⁰ See, e.g., Comments of the 5G Fund Supporters, *Establishing a 5G Fund for Rural America*, GN Docket No. 20-32 (filed June 25, 2020), available at <https://www.mmtconline.org/wp-content/uploads/2020/07/5G-Fund-Supporters-Rural-BB-Comments-062520-1.pdf>.

²¹ Diversity Coalition Statement at 1.

²² *Id.* at 1–2.

²³ *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 20-269, Fourteenth Broadband Deployment Report, at ¶ 44 & fig. 10, FCC 21-18 (Jan. 19, 2021).

²⁴ *Id.* at ¶¶ 20, 43.

Prompt and cost-efficient access to utility poles is a key component to any broadband deployment, especially in rural communities with a dispersed population and long distances separating households. Reforming the Commission's pole attachment rules to ensure timely and cost-efficient access is a crucial component to ensuring that minority communities across the United States are better able to access reliable broadband and bridge the digital divide.²⁵ As a result, we strongly support eliminating costs and other barriers to bringing critical broadband service to rural areas through reform of pole attachment rules.

B. Reforming Pole Attachment Rules Will Reduce a Significant Barrier to Broadband Buildout

We appreciate and support the Commission's willingness to more closely examine the cost responsibility for pole replacements and repairs as shared between pole owners and pole attachers. Clarity on financial responsibility for pole costs is absolutely critical to ensuring that the pole attachment process is completed quickly and at reasonable cost. We believe that both pole owners and pole attachers benefit from a pole replacement, and accordingly pole costs should be shared. Pole access reform, including a requirement that utility pole owners should share in the cost of pole replacements, will help maximize the impact of private and public investments in broadband infrastructure by making deployment more efficient and targeting broadband funding specifically to broadband.²⁶ Clarifying the Commission's rules on pole replacement cost allocation will reduce the risk that such costs exceed what a provider can support for a particular buildout and ultimately

²⁵ See generally Pole Attachment Rural Broadband Infrastructure Letter (September 4, 2020), available at <https://www.mmtconline.org/wp-content/uploads/2020/09/18-Organizations-Pole-Attachment-Rural-Broadband-Letter-090420.pdf>.

²⁶ See Post Infrastructure Bill, Congress Must Focus On Utility Pole Access Reform, Connect The Future, <https://connectthefuture.com/post-infrastructure-bill-congress-must-focus-on-utility-pole-access-reform/>

lead to slower—or smaller—deployment in rural areas, where the costs of deployment are already challenging.

C. Reforming Pole Attachment Rules Will Ensure Broadband Funds Support Broadest Possible Broadband Deployment

Funding for broadband deployment should be targeted towards building out broadband networks and connecting unserved communities, not to subsidizing utility pole owners at the expense of broadband customers. Low household density and expansive geographies create significant logistical barriers to these buildouts. In highly dense urban areas, just by attaching to one utility pole, providers can reach dozens of households in the nearby vicinity. By contrast, deployments in rural areas require significantly larger buildouts and many more poles to reach the same number of households. While the cost of attaching to a single utility pole or replacing a utility pole might be comparable in rural and urban locales, deployments in rural areas will almost always require broadband providers to attach to many more poles per household served, which drives up the cost of these projects considerably. We believe that equitable cost-sharing requirements for pole replacements will further accelerate the completion of much-needed broadband projects in rural communities where there is already a small margin of error, and even a moderate delay can cause an otherwise promising project to fail.

A recent report examining the impact of pole attachment policies on broadband expansion concluded that every month of delayed expansion due to pole attachment policies, including pole replacement demands, costs Americans nationally between \$491 million and \$1.86 billion in lost economic gains.²⁷ For example, a recent study of investments in North Carolina under the federal Rural Digital Opportunity Fund found that for “each month of delayed expansion due to pole

²⁷ Advancing Pole Attachment Policies To Accelerate National Broadband Buildout, Connect The Future Report, <https://connectthefuture.com/wp-content/uploads/2021/11/Advancing-Pole-Attachment-Policies-To-Accelerate-National-Broadband-Buildout-National-Report.pdf>.

owner market power” North Carolinians forfeit “an estimated \$16 million, or \$186 million on an annualized basis.”²⁸ A similar examination of investments in Kentucky found that each month of delayed broadband expansion led to an economic loss of between \$9 and \$37 million every month,²⁹ and the situation is similar across the country. This lack of broadband access also has serious deleterious effects on families. Looking again at North Carolina, a recent study estimated that 30 percent of K-12 students lack reliable broadband access.³⁰ And according to a study from the 2018 Community Survey conducted by the Alliance for Excellent Education, National Urban League, UnidosUS, and the National Indian Education Association, of the North Carolinian households without high-speed internet access, 30.6 percent are Black households, 36.6 percent are Hispanic households, and 24.2 percent are Native American households.³¹ As these examples show, lack of access to broadband disproportionately affects communities of color, especially in rural areas, and leaves students, families, farmers, and small businesses without essential tools to thrive.

D. Attachment Applications Must Be Processed in A Timely Manner and Disputes Resolved On An Expedited Basis

²⁸ See MMTC Letter to the North Carolina Governor Regarding Pole Attachment Reform, <https://www.mmtconline.org/wp-content/uploads/2021/10/Federal-Letter-to-NC-Governor-FINAL-October-5-2021.pdf>

²⁹ Edward J. Lopez & Patricia D. Kravtin, *Pole Attachment Policies and Broadband Expansion in the State of Kentucky*, ConnectTheFuture.com, at 3, <https://connectthefuture.com/wp-content/uploads/2021/12/Pole-Attachment-Policies-and-Broadband-Expansion-in-the-State-of-Kentucky.pdf>.

³⁰ *Looking Back, Looking Forward: What It Will Take to Permanently Close the K-12 Digital Divide*, Boston Consulting Group and Common Sense Media Report, https://www.commonssensemedia.org/sites/default/files/featured-content/files/final_-_what_it_will_take_to_permanently_close_the_k-12_digital_divide_vfeb3.pdf at 22.

³¹ Appendix A, *Students of Color Caught In The Homework Gap*, Alliance for Excellent Education, National Urban League, UnidosUS, and the National Indian Education Association Report, https://futureready.org/wp-content/uploads/2020/07/HomeworkGap_FINAL7.20.2020.pdf.

While the cost of pole replacements and make-ready form a critical component of any successful and cost-efficient broadband deployment, the timeliness with which pole attachment applications are processed are critical – a long delay in processing can derail broadband deployment entirely in multiple communities. Moreover, disputes between pole owner and attacher that are filed with the FCC for resolution, but are not resolved quickly, can similarly derail the deployment. Accordingly, we support efforts under consideration at the FCC to ensure attachment applications (especially large volume requests) are processed by pole owners with all due speed. Moreover, we support suggestions that the FCC's expedited dispute resolution procedures should be applied to pole attachment disputes, especially disputes in areas that are currently unserved by high-speed broadband. Expedited processing of applications and disputes will help to speed deployment to communities that have been without broadband for far too long. They should not have to wait any longer than is absolutely necessary.

IV. CONCLUSION

Access to reliable and affordable broadband service is essential to full participation in our digital society. We urge the Commission to act expeditiously to ensure that pole attachment costs are equitably distributed between owners and attachers, and disputes resolved expeditiously. This in turn will ensure that broadband funds most effectively support broadband deployment and connecting the communities with the greatest need.

Respectfully,

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