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February 9, 2023

The Honorable John Thune  
Ranking Member Subcommittee on Communications, Media, and  
Broadband  
511 Dirksen Senate Office Building  
Washington, D.C. 20510

Re: December 6, 2022 Broadband Expansion Letter

Dear Senator Thune,

The Multicultural Media, Telecom and Internet Council (MMTC) wanted to provide its perspective and response to your recent inquiry seeking comments from a diverse group of stakeholders on how best to ensure unprecedented federal broadband funding is used most efficiently to expand connectivity to the truly unserved areas and communities that need it most.

MMTC is the technology, media, and telecommunications industries' leading non-partisan, national nonprofit diversity organization. For nearly four decades, MMTC has worked tirelessly to promote and preserve equal opportunity, civil rights, and social justice in the mass media, telecommunications, and broadband industries, and to close the digital divide on behalf of its members and constituents. Increasing broadband access for unserved communities – including the more than 30 percent each of Black, Latino, and Tribal communities, many of whom live in rural areas, that still lack reliable, high-speed connectivity – is core to MMTC's mission.<sup>1</sup>

MMTC wanted to bring to your attention two areas where Congress can act to achieve the goal of full connectivity and maximize the impact of government funding for broadband. First, Congress should remove the uncertainty around the future of the successful Affordable Connectivity Program (ACP) which benefits millions of American households across the country and has helped to stimulate broadband deployment. Second, pole access issues -- if left unaddressed -- threaten to derail timely and efficient broadband deployment.<sup>2</sup>

<sup>1</sup> See "Some digital divides persist between rural, urban and suburban America" (August 2021). <https://www.pewresearch.org/fact-tank/2021/08/19/some-digital-divides-persist-between-rural-urban-and-suburban-america/>

<sup>2</sup> Our comments address "General Broadband Issues" Questions 6, 8, 9, 10, 11, 13. <https://www.thune.senate.gov/public/index.cfm/press-releases?ID=D7B4C37C-5084-4E00-B430-7CE7533056D1>

**Achieving our goal of full connectivity across the country will require an extension of the critical Affordable Connectivity Program (ACP), which benefits not only multicultural, rural communities, but also providers that build in rural areas.**

As of December 2022, more than 16 million households – and growing – are benefitting from the program Congress created, which has the highest number of eligible and enrolled households in rural communities across the country.<sup>3</sup> The ACP program provides critical benefits to qualified households across the country -- in both urban and rural areas. As a result of the ACP program, a growing number of households are able to take advantage of critical resources (jobs, education, healthcare) when broadband access is available in their community.

However, a potential discontinuation of ACP, which may run out of money by as soon as early 2024, will not only harm millions of Americans, it will also cause tremendous inefficiencies in broadband deployment programs -- e.g., the BEAD program -- being funded by Congress.

For example, a recent study demonstrated that the ACP promotes deployment and competition among providers by reducing the subsidy needed to incentivize providers to build in rural areas by 25% per household.<sup>4</sup> As the National Urban League correctly pointed out, a permanent extension of ACP will mean rural providers will need "less funding to incentivize investment."<sup>5</sup>

Congress should remove any uncertainty surrounding the ACP program and pass sustained, permanent funding for the vital program. An investment in the ACP is an investment in a stronger, more connected economic future for all.

**Bringing connectivity to unserved areas also will require an intentional effort to remove pole access barriers that have slowed deployment and disproportionately impacted multicultural, low-wealth, and rural communities.**

MMTC has long raised concerns about the significant role access to poles play in bringing connectivity to low-income, rural minority communities such as Weirwood, Virginia and Chimayo, New Mexico.<sup>6</sup> Thirty-one percent of Latinos still lack access to broadband, and most are “clustered in rural communities, where high-speed broadband internet is the hardest to find.”<sup>7</sup> And in the rural South, Black residents are twice as likely to lack internet access than their white neighbors.<sup>8</sup>

For these rural communities with dispersed populations and long distances separating households and small businesses, prompt and cost-efficient access to utility poles is an especially critical component to broadband deployment. That’s because much of our country’s rural broadband infrastructure is carried by

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<sup>3</sup> See *Beyond: The Affordable Connectivity Program: Why 15M+ American Households Have Signed Up*

<https://www.explorebeyond.org/stories/the-affordable-connectivity-program-why-15m-american-households-have-signed-up>

<sup>4</sup> See Common Sense & BCG: “Closing the Digital Divide Benefits Everyone, Not Just the Disconnected.”

[https://www.commonssensemedia.org/sites/default/files/research/report/2022-cs-bcg-closing-digital-divide\\_final-release-3-for-web.pdf](https://www.commonssensemedia.org/sites/default/files/research/report/2022-cs-bcg-closing-digital-divide_final-release-3-for-web.pdf)

<sup>5</sup> See: Light Reading “‘Greatest challenge’ to closing digital divide is uncertainty about ACP, advocates warn” (January 2023).

<https://www.lightreading.com/broadband/greatest-challenge-to-closing-digital-divide-is-uncertainty-about-acp-advocates-warn/d/d-id/782756>

<sup>6</sup> See “Comments of Six Multicultural Stakeholder Broadband Supporters” (June 2022). “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. 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.” [https://www.mmtconline.org/wp-content/uploads/2022/06/Stakeholder\\_Coalition\\_Pole\\_Attachment\\_Comments-1.pdf](https://www.mmtconline.org/wp-content/uploads/2022/06/Stakeholder_Coalition_Pole_Attachment_Comments-1.pdf)

<sup>7</sup> See “Rural Latino Communities Need Internet Access” (November 2021),

<https://thehill.com/opinion/technology/526878-rural-latino-communities-need-internet-access>.

<sup>8</sup> See “More than 1 in 3 rural Black southerners lack home internet access, a new study finds” (October 2021).

<https://www.npr.org/2021/10/06/1043666017/internet-access-rural-blacksoutherners-digital-infrastructure-divide>.

wires attached to these poles. These poles are owned by utilities, municipalities, and electric cooperatives, rather than the broadband providers that must attach to the poles. Unfortunately, some pole owners impose costly and inconsistent demands on providers to attach, including unreasonable make-ready requirements, fees, and demands for the replacement of older, damaged poles. Often, pole owners will push the entirety of costs onto the broadband provider, even though both parties benefit from the replacement. As a result of pole attachment disputes that delay or may even cancel entire projects, unserved communities with the greatest need, often majority-minority like Weirwood and Chimayo, remain left behind.

Congress can take several actions to help remove pole access barriers.

First, Congress should urge the Federal Communications Commission (FCC) to take swift action on its current rulemaking proceeding on resolving disputes over the allocation of costs for investor-owned utility pole replacements.<sup>9</sup> The proceeding's formal comment period concluded five months ago, and the FCC should issue an order without any further delay that equitably divides pole replacement costs between owners and attachers. The FCC must also guarantee that pole attachment applications are processed in a timely manner and that any disputes between pole owners and attachers are resolved on an expedited basis.

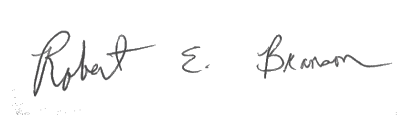
Second, while an FCC order would apply to investor-owned utilities, municipality and cooperative pole owners would dodge these reforms thanks to existing gaps in federal and state laws. Congress should pass legislation that closes these loopholes for good so that pole disputes with municipality and cooperative owners do not minimize the impact of federal funds for broadband deployment.

Third, as NTIA prepares to distribute more than \$42 billion in BEAD Program funding later this year, Congress must ensure that the agency provides concrete guidance on the steps states should take to provide cost-effective and prompt access to poles. Clear guidance will help broadband providers complete their broadband projects within the timeline set by the Infrastructure Investment and Jobs Act (IIJA).

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The lack of broadband availability across our country has disproportionately burdened communities of color, particularly those living in rural areas. We look forward to working with you to guarantee these extraordinary federal broadband funds are not misused and will instead, help to connect the communities with the greatest need.

Thank you,

A handwritten signature in black ink that reads "Robert E. Branson". The signature is written in a cursive, flowing style.

Robert E. Branson  
President and CEO, MMTC

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<sup>9</sup> See FCC Seeks Comment on Resolving Disputes Over Pole Replacement Costs, Federal Communications Commission (March 2022), <https://www.fcc.gov/document/fcc-seeks-comment-resolving-disputes-over-pole-replacement-costs>