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## **Rate Uniformity Proposed In Pole Attachment Overhaul**

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In 1978, when cable service was young and growing fast, Congress authorized the FCC to regulate “pole attachments”: the rates that owners of poles (usually electric utilities) could charge cable systems for space to string their wires, and the conditions under which utilities could refuse to accommodate them. The FCC adopted rules in a series of vehemently contested orders, then refereed hundreds of disputes over how to apply the resulting formulas.

By the time of the 1996 Telecommunications Act, cable service had grown and matured. Various telecommunications providers, some seeking to compete with cable, also wanted pole space. The 1996 Act accordingly updated the FCC’s authority. In yet another set of contentious proceedings, the FCC expanded its reach over poles to encompass any duct, conduit, or right-of-way owned or controlled by a utility. It increased the class of those entitled to attachments to include not only traditional telecommunications carriers, but wireless carriers as well. And, in accordance with the 1996 Act, it separately regulated pole attachment rates for cable service and for telecommunications service, including wireless.

The FCC recently took the lid off the pot once again with a Notice of Proposed Rulemaking that opens another overhaul of the pole attachment regime. The FCC notes that cable companies increasingly offer telecommunications services, and vice versa, thus calling into question the wisdom of separate rules and rates for the two categories. The FCC proposes a new uniform rate for broadband services regardless of platform, somewhere in between the current cable and telecom rates.

As of press time, comment and reply dates have not been established.