



Todd S. Stewart
717.703.0806
tsstewart@hmslegal.com

501 Corporate Circle, Suite 302, Harrisburg, PA 17110 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

August 26, 2024

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

RE: Adoption of Federal Communications Commission Regulations Pursuant to 52 Pa.
Code § 77.4; Docket No. L-2018-3002672; **COMMENTS OF CTIA**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is the Comments of CTIA in Response to the Adoption of Federal Communications Commission Regulations in the above-captioned docket. Copies of the Comments have been served.

Thank you for your attention to this matter. If you have any questions related to this filing, please do not hesitate to contact my office.

Very truly yours,

Todd S. Stewart
Counsel for CTIA

TSS/jld

Enclosure

cc: Colin W. Scott (via email – colinscott@pa.gov)
Tiffany L. Tran (via email – tiftran@pa.gov)

When the Commission adopted a process to mirror future FCC rule changes, it explained that it would deviate from mirroring only for “federal regulatory changes that may have Pennsylvania-specific impacts and may need to be investigated further before becoming effective in the Commonwealth.”⁵ As explained below, 47 C.F.R. § 1.1411 raises no Pennsylvania-specific issues that counsel against continuing with the Commission’s policy of mirroring the federal rules. Pertaining to 47 C.F.R. § 1.1415, CTIA continues to favor a policy of automatic adoption, but defers to the Commission’s expertise regarding its resources and maintaining clarity in its dispute resolution rules.

The first question the Commission posed is “should the Commission allow the FCC’s addition of new subsection (c)(4) to existing regulation 47 C.F.R. § 1.1411 to become effective in Pennsylvania by operation of law on the date that is sixty (60) days from publication of this notice in the *Pennsylvania Bulletin*, or should the Commission determine otherwise for good cause shown?”⁶ The referenced rule section pertains to pole inspection reports and is intended to ensure information about poles is readily available in order to promote efficient deployment. The FCC conducted a full and thorough notice and comment process on this amendment and reviewed comments from pole owners opposed to the rule as well as potential attachers in favor. The FCC found that “this new requirement strikes a reasonable balance between additional transparency for prospective attachers and ensuring the utilities’ expenditure of resources is no greater than necessary.”⁷

⁵ Assumption of Commission Jurisdiction Over Pole Attachments from the Federal Communications Commission, Docket L-2018-3002672 (Final Rulemaking Order entered September 3, 2019) (“Final Rulemaking Order”) at 38-39.

⁶ Notice.

⁷ In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84, FCC Fourth Report and Order, Declaratory Ruling, and Third Further Notice of Proposed Rulemaking (Rel. December 15, 2023) ¶ 23.

There are no unique Pennsylvania-specific impacts arising from this rule, and the Commission should not allow pole owners – many of whom operate in other states now governed by this FCC rule – to restate arguments that already failed at the FCC. As the Commission noted previously, mirroring is preferred because it “provide[s] regulatory certainty rather than additional burdens and expenses where broadband investment is contemplated and desired.”⁸ This rule should be permitted to go into effect.

The Commission’s second question was whether to allow 47 C.F.R. § 1.1415 to become effective in Pennsylvania.⁹ This rule is procedural in nature, pertaining to dispute resolution and the creation of a team at the FCC to promote broadband deployment by rapidly resolving deployment disputes.¹⁰ In its Final Rulemaking Order, the Commission indicated that its procedural rules will control except where silent and that it is more efficient to use the Commission rules of procedure to resolve proceedings.¹¹ CTIA recognizes that conflicting or overlapping rules may cause confusion, and that may counsel in favor of a minor diversion from the mirroring approach for this rule alone. Thus, while CTIA continues to support full mirroring of the FCC’s rules, it defers to the Commission’s judgment on how best to ensure that the Commission’s dispute resolution processes are clear, prompt, and conducted in a manner consistent with the principle of promoting broadband deployment.

⁸ Final Rulemaking Order at 38-39.

⁹ See Notice.

¹⁰ See 47 C.F.R. § 1.1415.

¹¹ Final Rulemaking Order at 49-50.

CTIA appreciates the opportunity to provide these comments and urges the Commission to act as suggested herein.

Respectfully submitted,



Todd S. Stewart, Attorney ID No. 75556
HMS Legal LLP
501 Corporate Circle, Suite 302
Harrisburg, PA 17110
Phone: (717) 236-1300
Facsimile: (717) 236-4841
tsstewart@hmslegal.com

Counsel for CTIA

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