



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

IN REPLY, PLEASE
REFER TO OUR FILE

Docket No
L- 2018- 3002672

November 5, 2025

TO ALL ELECTRIC DISTRIBUTION COMPANIES, LOCAL EXCHANGE
CARRIERS, STATUTORY ADVOCATES AND THE POLE ATTACHMENT
WORKING GROUP

Re: Adoption of Federal Communications Commission regulations pursuant to
52 Pa. Code § 77.4
Docket No. L-2018-3002672

On July 25, 2025, the Federal Communications Commission (FCC) released a *Fifth Report and Order, Fourth Further Notice of Proposed Rulemaking, and Orders on Reconsideration* (FCC Order or FCC Item 25-38) that further reformed its pole attachment rules to advance the goals ubiquitous high-speed broadband and eliminate barriers to broadband deployment, building on its work from the December 2023 *Fourth Report and Order, Declaratory Ruling, and Third Further Notice of Proposed Rulemaking* (FCC Item 23-109). Specifically, the FCC made changes to its regulations, at 47 C.F.R §§ 1.1403(b)-(c), 1.1411(a), (c)-(k), and 1.1412(a)-(b), (e).

In general, these changes to the FCC's regulations aid attachers and utilities in planning for larger broadband deployments and in allocating critical contractor resources. The FCC establishes a tiered system for pole attachment projects based on size and balances the difficulties faced by utilities in processing large applications and attachers' need for speedy deployments. The FCC also: (1) requires utilities to notify attachers within 15 days of receiving a complete application if they know or reasonably should know that they cannot meet the survey deadline, and require utilities to notify attachers within 15 days of payment of the estimate, and existing attachers to notify utilities and new attachers within 15 days of receiving notice from the utility, if they know or reasonably should know that they cannot meet the make-ready deadline; (2) adds a self-help remedy for make-ready estimates, provided certain safeguards are met; and (3) prohibits utility-imposed limits on application size and frequency that have the effect of restricting the number of pole attachments attachers may seek in a given timeframe.

The Pennsylvania Public Utility Commission (Commission) maintains regulations applicable to pole attachments at 52 Pa. Code Chapter 77 (relating to pole attachments). Chapter 77 "adopts the rates, terms and conditions of access to and use of utility poles, ducts, conduits and rights-of-way to the full extent provided for in 47 U.S.C. § 224 and 47 CFR Chapter I, Subchapter A, Part 1, Subpart J (relating to pole attachment complaint procedures), inclusive of future changes as those regulations may be amended." 52 Pa. Code § 77.4(a). The Federal Rule Changes included in the FCC's Order constitute

amendments to the FCC regulations referenced in Chapter 77. The amended FCC regulations, at 47 C.F.R §§ 1.1403(c) and 1.1411(a), were published on August 26, 2025, and became effective federally on September 25, 2025. Therefore, consistent 52 Pa. Code § 77.4(b), the Commission is publishing notice that 47 C.F.R. §§ 1.1403(c) and 1.1411(a) will become effective in Pennsylvania on November 27, 2025.

The remaining provisions amended by the FCC, 47 CFR §§ 1.1403(b), 1.1411(c)-(k), and 1.1412(a)-(b), (e), will only become effective once the Office of Management and Budget (OMB) completes its review of information collection requirements. Thus, the Commission will publish a separate notice in the *Pennsylvania Bulletin* when an effective date for these provisions is established.

The contact persons for this matter are Assistant Counsel Colin W. Scott, (717) 783-5949, colinscott@pa.gov, Tiffany L. Tran, (717) 783-5413, tiftran@pa.gov and Christopher F. Van de Verg, (717) 783-3459, cvandeverg@pa.gov.

Sincerely,

A handwritten signature in black ink, reading "Matthew L. Homsher". The signature is written in a cursive style with a large initial "M".

Matthew Homsher
Secretary