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Pole Attachments in Broadband Deployment: Selected Issues

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Pole Attachments in Broadband Deployment: Selected Issues

Broadband is a powerful communications technology that supports many applications. Closing the gap between people who have access to broadband and those who do not—the *digital divide*—has been a long-standing congressional goal. Pole attachment (hanging telecommunications equipment on existing utility poles) is a key factor in closing the digital divide because it may be the most efficient method to deploy broadband in many areas. However, disputes within the industry over pole attachments pose deployment challenges. Pole attachments are of particular concern in the context of implementation of the \$42.45 billion Broadband Equity, Access, and Deployment (BEAD) Program, as broadband providers must operate within the constraints of grant-mandated timelines and finite awards. Some Members of Congress have expressed concerns about this issue.

A variety of technologies are capable of delivering fixed (i.e., not mobile) broadband. Consumers typically prefer fiber because of its fast speeds and low latency (or lag time). Fiber can be hung aerially on poles or buried in the ground and can be connected directly to individual residences. Some broadband service providers may choose to deploy fiber aerially on existing poles—which may be more cost effective than burying it. The process of attaching telecommunications equipment to a pole is referred to as a *pole attachment*. For a broadband provider to deploy fiber aerially, the provider must work with the owner of the pole(s) (usually a utility). Disagreements sometimes occur between a broadband provider and a pole owner, typically with respect to the costs to attach and the timing of access to a pole. Disagreements can delay the deployment of broadband—leaving consumers without connectivity.

Pole attachments are regulated by the Federal Communications Commission (FCC), which, over the years, has promulgated rules on a number of pole attachment issues. The Pole Attachment Act of 1978, which added Section 224 to the Communications Act of 1934, governs federal pole attachment rules. Section 224 contains a “reverse preemption provision” that allows states to regulate pole attachments themselves. Currently, 23 states and the District of Columbia have certified to the FCC that they regulate pole attachments. Further, under Section 224, certain pole owners (i.e., municipalities, electric cooperatives, and public utilities) are exempt from FCC pole attachment rules, while investor-owned utilities and private companies are subject to them. These variations have led to a complex and fragmented pole attachment regulatory scheme and have introduced challenges to the deployment of broadband.

If Congress believes that pole attachment issues are impeding rural broadband deployment, it may consider reforming pole access rules. Potential options for reform proposed by stakeholders have included establishing deadlines (to prevent delays in pole access) and removing the exemption of certain pole owners under Section 224. The core debate involves balancing the acceleration of broadband deployment against the interests of pole owners.

In the 119th Congress, the Barriers and Regulatory Obstacles Avoids Deployment of Broadband Access and Needs Deregulatory Leadership (BROADBAND Leadership) Act (H.R. 278) would place limits on the authority of a state or locality to regulate the placement, construction, or modification of telecommunications service facilities (i.e., the physical infrastructure such as towers, cables). A challenge for Congress may be understanding how the proposals in this bill, or other specific changes to the regulatory landscape, may affect implementation of the BEAD Program and broadband deployment generally. Congress could also choose not to enact new legislation and to defer to the FCC and the states to regulate pole attachments under the existing statutory framework.

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Introduction

Broadband is a powerful communications technology that supports a wide range of applications, including voice and video communications, entertainment, telemedicine, distance education, telework, and e-commerce. Closing the gap between people who have access to broadband and those who do not—the *digital divide*—has been a long-standing congressional goal.¹ Pole attachment (hanging telecommunications equipment on existing utility poles) is a key factor in closing the digital divide because it may be the most efficient method to deploy broadband in many areas.² However, disputes within the industry (i.e., broadband providers and utilities) over pole attachments—chiefly over costs and timing of access to poles—have posed challenges, which can hinder broadband deployment and delay access to consumers. Pole attachments are of particular concern in the context of implementation of the \$42.45 billion Broadband Equity, Access, and Deployment (BEAD) Program, as broadband providers must operate within the constraints of grant-mandated timelines and finite award amounts.³ Some Members of Congress have expressed concerns about this issue.⁴

Differences in whether pole owners are regulated at the federal level versus the state or local level have also led to a disjointed pole attachment regulatory landscape and introduced challenges to the deployment of broadband. A 2025 BEAD Program policy requires subgrantees—including pole owners exempted from federal jurisdiction—to comply with federal (i.e., Federal Communications Commission [FCC]) pole attachment rules—which may result in less participation from certain pole owners in the program and therefore may affect the expansion of broadband and the congressional goal of closing the digital divide. Congress may be interested in streamlining pole attachment regulations—for example, creating a uniform national policy.⁵ In the 119th Congress, legislation has been introduced that could expand federal jurisdiction over certain pole owners.⁶

This report provides an overview of the pole attachment process, jurisdiction, and regulations; discusses some selected, related policy issues that may affect the deployment of broadband; and provides options for Congress.

¹ See, for example, Rep. August Pfluger, “PASSED: Rep. Pfluger’s Federal Broadband Deployment Act Passed Unanimously in the House,” April 23, 2026, <https://pfluger.house.gov/news/documentsingle.aspx?DocumentID=2945>.

² Deploying fiber underground requires subsurface digging to bury conduit pipes and physically connecting each household—which may be difficult in some states that have rugged terrain. In these cases, a majority of broadband deployments in some states, such as West Virginia, rely on poles. Further, National Telecommunications and Information Administration (NTIA) guidance for the Broadband Equity, Access, and Deployment (BEAD) Program sets forth a cost-focused approach, in which states must choose the option with the lowest cost to connect a location. Hanging fiber aurally may be a lower-cost option than burying fiber underground. See NTIA, *Broadband Equity, Access, and Deployment (BEAD) Program: BEAD Restructuring Policy Notice*, June 2025, p. 12, <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>.

³ For information on the BEAD Program, see CRS Report R48666, *The Broadband Equity, Access, and Deployment (BEAD) Program: Issues for the 119th Congress*, by Ling Zhu.

⁴ See, for example, Sen. Shelley Capito, “ICYMI: VIDEO: Capito Participates in Hearing on Broadband Deployment Funding,” February 11, 2026, <https://www.capito.senate.gov/news/press-releases/icymi-video-capito-participates-in-hearing-on-broadband-deployment-funding>. Sen. Capito noted the cost of attaching telecommunications equipment to poles as an issue impacting the deployment of broadband.

⁵ Evan Swarztrauber, “Congress Needs to Step in on Broadband Expansion,” *Broadband Breakfast*, June 10, 2026, <https://broadbandbreakfast.com/evan-swarztrauber-congress-needs-to-step-in-on-broadband-expansion/>.

⁶ See the Barriers and Regulatory Obstacles Avoids Deployment of Broadband Access and Needs Deregulatory Leadership (BROADBAND Leadership) Act (H.R. 278).

Background

Fixed broadband (i.e., not mobile)⁷ is defined by the FCC as speeds of at least 100 megabits per second (Mbps) download and 20 Mbps upload.⁸ Fixed broadband is provided by a variety of technologies (i.e., cable, copper wire, fiber, satellite, and fixed wireless).⁹ Many consumers prefer fiber for broadband service because of its reliability and capability to provide high speeds.¹⁰ Fiber can be buried in the ground and directly connected to individual residences (“fiber to the home”); it can also be attached (hung aerially) on poles. Aerial fiber is used in instances, for example, where there are geographic limitations to burial (e.g., mountainous terrain) or when a broadband provider wishes to use existing infrastructure instead of building and maintaining its own infrastructure.

According to the American Public Power Association, *pole attachment* is the “process by which communications companies can collocate communications infrastructure on existing electric utility poles.”¹¹ Typically, pole attachment includes the following steps, though the process and timeline may vary by pole owner:

1. A broadband provider formally requests access to a pole.
2. The pole owner (e.g., electric or telephone company) conducts a survey of the requested pole(s) to determine the condition of the pole(s) and if the request can be met.
3. If the pole owner accepts the request, the pole owner then provides an estimate of the make-ready¹² costs needed to accommodate the request. These are costs associated with relocating the equipment and lines of other entities to make space for new attachments.
4. If the broadband provider accepts the estimate, the make-ready costs are typically paid in advance by the broadband provider, and the make-ready work proceeds.¹³
5. A broadband provider pays a pole attachment rental fee to the pole owner, typically on an annual basis.¹⁴

The rules governing pole attachments—which vary by state—have at times presented some challenges to broadband providers, such as creating uncertainty in the process of expanding

⁷ Mobile technology (e.g., fifth-generation [5G] wireless technology) and the related subset of issues regarding the deployment of this technology using pole attachments are outside the scope of this report.

⁸ Federal Communications Commission (FCC), “FCC Increases Broadband Speed Benchmark,” press release, March 14, 2024, <https://docs.fcc.gov/public/attachments/DOC-401205A1.pdf>.

⁹ For more information on technologies used for broadband delivery, see CRS In Focus IF12441, *Fixed Technologies Used to Deliver Broadband Service: A Primer and Considerations for Congress*, by Colby Leigh Pechtoll.

¹⁰ Astound, “What Is Fiber Internet? (And What Are the Benefits?),” <https://www.astound.com/learn/internet/what-is-fiber-internet/>.

¹¹ American Public Power Association, “Preserving the Municipal Exemption from Federal Pole Attachment Regulations,” January 2026, https://www.publicpower.org/system/files/documents/23%202026%20Issue%20Briefs_Pole%20Attachment_FINAL_0.pdf.

¹² For more information on the make-ready process, see Grace Tepper, “FCC Adopts New Pole Attachment Rules to Speed Broadband Deployment,” Benton Institute for Broadband and Society, July 25, 2025, <https://www.benton.org/blog/fcc-adopts-new-pole-attachment-rules-speed-broadband-deployment>.

¹³ Doug Dawson, “The Challenge of Adding Fiber to Poles,” *CircleID*, February 26, 2026, <https://circleid.com/posts/the-challenge-of-adding-fiber-to-poles>.

¹⁴ For example, see Trico Electric Cooperative, *Pole Attachment Procedures & Guidelines*, January 25, 2024, pp. 3, 14, <https://trico.coop/wp-content/uploads/2025/08/Procedures-and-guidelines-final-1.pdf>; and SLEMCO, “Pole Attachment Rental,” <https://slemco.com/about-slemco/pole-attachment/>.

infrastructure and service, and closing the digital divide.¹⁵ According to the National Telecommunications and Information Administration (NTIA), an agency within the U.S. Department of Commerce,

Pole attachment policies address rates, access requests, timelines, procedures to mediate disputes, and other terms and conditions. For incumbent providers, they influence operational expenses. For new attachers, they are a potential barrier to entry if they make a proposed project economically nonviable, particularly in unserved rural areas. Jurisdictions should ensure that pole attachment policies are fair and streamlined.¹⁶

In some cases, the pole attachment process is seamless for pole owners and broadband providers; in others, the parties may disagree on certain aspects of a proposed agreement, such as the make-ready costs or timeline for getting the pole(s) ready for an attachment.¹⁷ These disagreements may create delays in the deployment of broadband infrastructure and the availability of broadband service.

Regulation of Pole Attachments: Jurisdiction

Regulating pole attachments is complex and subject to a patchwork of rules because of variations in jurisdiction, which can reside with the FCC (with the exception of certain pole owners) or with a state. The following sections discuss the applicability of federal (i.e., FCC) and state jurisdiction.

Federal Communications Commission

The Pole Attachment Act of 1978 added Section 224 to the Communications Act of 1934.¹⁸ Section 224(b) provides the FCC with the authority to set just and reasonable rates, terms, and conditions for pole attachments relating to cable television systems and to adopt procedures to hear and resolve related pole attachment complaints. The Telecommunications Act of 1996 (P.L. 104-104) expanded this authority to include providers of telecommunications service and granted both types of providers (i.e., television cable systems and telecommunications carriers)¹⁹ a right of nondiscriminatory access to any pole owned or controlled by a utility.²⁰ These authorities apply to cable and telecommunications service providers—not to entities that *only* provide broadband service. For these authorities to apply to broadband providers as an entity, the providers would

¹⁵ Jake Varn and Sarah Ali, *Broadband Expansion May Hinge on States' Processes for Attaching Lines to Utility Poles*, Pew Charitable Trusts, March 12, 2025, <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2025/03/broadband-expansion-may-hinge-on-states-processes-for-attaching-lines-to-utility-poles>.

¹⁶ NTIA, *Broadband Policies and Mechanisms*, April 2022, <https://broadbandusa.ntia.gov/sites/default/files/2022-04/Broadband%20Policies%20Mechanisms%20PDF.pdf>.

¹⁷ Brad Randall, “Enough Talk About Pole Attachment Issues. It’s Time for Action,” *Broadband Communities News*, August 1, 2024, <https://bbcmag.com/enough-talk-about-pole-attachment-issues-its-time-for-action/>.

¹⁸ See 47 U.S.C. §224.

¹⁹ The term *telecommunications carrier* means any provider of telecommunications services. The FCC has alternated between classifying broadband (referred to by the FCC as “broadband internet access service,” or BIAS, in the classification rulemakings) as a telecommunications service and an information service; currently, BIAS is classified as an information service. For further discussion, see CRS In Focus IF12513, *FCC Adopts Proposed Net Neutrality Rule*, by Chris D. Linebaugh and Patricia Moloney Figliola; and Jake Neenan, “Sixth Circuit Tosses Net Neutrality,” *Broadband Breakfast*, January 2, 2025, <https://broadbandbreakfast.com/sixth-circuit-tosses-net-neutrality/>.

²⁰ FCC, *Report and Order and Order on Reconsideration*, April 7, 2011, pp. 6-7, <https://docs.fcc.gov/public/attachments/FCC-11-50A1.pdf>.

need to offer cable or telecommunications (i.e., wireline or wireless voice) service in addition to broadband.

In 2024, the FCC reclassified broadband from an information service to a telecommunications service and extended the authority of Section 224, stating, “applying section 224 to BIAS [broadband internet access service] will ensure that BIAS-only providers receive the same statutory protections for pole attachments guaranteed by section 224 ... that providers of cable and telecommunications services receive, thereby promoting greater deployment, competition, and availability of BIAS.”²¹ However, the FCC’s 2024 reclassification order was invalidated by a federal court in 2025; broadband is currently considered an information service by the FCC.²² Thus, Section 224 does not currently apply to broadband-only providers.

Under its Section 224 statutory authority, the FCC has taken actions (mainly adopting rules) governing various pole attachment issues, beginning in 1998.²³ **Table 1** provides a timeline of selected rulemakings or actions spanning from 1998 to the present.²⁴ Investor-owned utilities (IOUs)²⁵ and private companies are subject to FCC pole attachment regulation.²⁶ Municipalities, electric cooperatives, and public utilities are exempt from FCC pole attachment regulation.²⁷

Table 1. Selected FCC Pole Attachment Rulemakings or Actions
1998 to Present

Year	Document	Summary of Rules or Action(s)
1998	Implementation Order	Establishes new pole attachment rate formula for telecommunications carriers; concludes that cable television providers offering both cable and internet services should continue to pay the cable rate (as they would for offering “solely cable services”) instead of a higher or unregulated rate for offering both services; and holds that wireless carriers have a statutory right of nondiscriminatory access to poles.
2010	Pole Attachment Order and Further Notice	Clarifies the statutory right of communications providers to use cost- and space-saving methods that pole owners use and establishes that providers have a statutory right to timely access to poles.

²¹ FCC, *Declaratory Ruling, Order, Report and Order, and Order on Reconsideration*, May 7, 2024, pp. 224-225, <https://docs.fcc.gov/public/attachments/FCC-24-52A1.pdf>.

²² Ohio Telecom Ass’n v. FCC, No. 24-3449 (6th Cir. 2025), <https://www.opn.ca6.uscourts.gov/opinions.pdf/25a0002p-06.pdf>.

²³ Utilities Technology Council (UTC), *UTC Briefing Paper: A History of U.S. Pole-Attachment Policy*, May 2020, p. 4, https://utc.org/wp-content/uploads/2020/05/UTC_Poles_DETAILED_HISTORY_Clean.pdf.

²⁴ The most recent FCC action on pole attachments was taken in 2025; there have been no FCC actions on pole attachments in 2026 as of the date of publication of this report.

²⁵ Investor-owned utilities are owned by shareholders and are operated for profit to provide a return on investment to the shareholders.

²⁶ Center for Technology, Innovation, and Competition and University of Pennsylvania Law School, *Survey of Rates for Pole Attachments and Access to Rights of Way*, April 24, 2018, p. 2, <https://www.fcc.gov/sites/default/files/ad-hoc-committee-survey-04242018.pdf>.

²⁷ See Section 224(a)(1) of the Communications Act of 1934. Examples of a municipality are a town, village, or city. An electric cooperative is a nonprofit business that is owned by and serves its members. Public utilities provide services to the general public.

Year	Document	Summary of Rules or Action(s)
2011	Report and Order and Order on Reconsideration	Establishes timelines for attachment; requires explanation for rejection of a request for attachment; adopts definition of cost that yields a new just and reasonable telecommunications rate; allows for complaints if a particular rate, term or condition is unreasonable; and adopts measures for negotiated resolution of pole attachment disputes.
2018	Third Report and Order and Declaratory Ruling	Approves a new pole attachment process that includes “one touch make-ready”; ^a codifies and refines the existing precedent that requires utilities to allow “overlashing”; ^b clarifies that new attachers are not responsible for the costs of repairing preexisting violations of safety or other codes; and eliminates the differences between the pole attachment rates incumbent local exchange carriers ^c must pay compared with other similarly situated telecommunications attachers.
2021	Declaratory Ruling	Clarifies that utilities may not require requesting attachers to pay the entire cost of pole replacements that are not necessitated solely by the new attacher.
2023	Fourth Report and Order, Declaratory Ruling, and Third Further Notice of Proposed Rulemaking	Establishes a new process for review and assessment of pole attachment disputes; adopts rules providing communications providers with information about the status of utility poles; and provides clarification regarding cost causation when a pole must be replaced for any reason other than that it lacks capacity to support a new attachment.
2025	Fifth Report and Order, Fourth Further Notice of Proposed Rulemaking, and Orders on Reconsideration	Approves rules to foster collaboration between utilities and attachers; establishes a timeline for large pole attachment requests; and accelerates the contractor approval process.

Sources: Federal Communications Commission (FCC) *Report and Order*, February 6, 1998, <https://docs.fcc.gov/public/attachments/FCC-98-20A1.txt>; FCC, *Order and Further Notice of Proposed Rulemaking*, May 10, 2010, p. 2, https://docs.fcc.gov/public/attachments/FCC-10-84A1_Rcd.pdf; FCC, *Report and Order and Order on Reconsideration*, April 11, 2011, pp. 5-6, 8-10, <https://docs.fcc.gov/public/attachments/FCC-11-50A1.pdf>; FCC, *Report and Order and Order on Reconsideration*, April 7, 2011, pp. 4-6, <https://docs.fcc.gov/public/attachments/FCC-11-50A1.pdf>; FCC, *Third Report and Order and Declaratory Ruling*, August 3, 2018, pp. 2-3, <https://docs.fcc.gov/public/attachments/fcc-18-111a1.pdf>; FCC, *Declaratory Ruling*, January 19, 2021, p. 4, <https://docs.fcc.gov/public/attachments/DA-21-78A1.pdf>; FCC, *Fourth Report and Order, Declaratory Ruling, and Third Further Notice of Proposed Rulemaking*, December 15, 2023, p. 2, <https://docs.fcc.gov/public/attachments/FCC-23-109A1.pdf>; FCC, *Fifth Report and Order, Fourth Further Notice of Proposed Rulemaking, and Orders on Reconsideration*, July 24, 2025, p. 2, <https://docs.fcc.gov/public/attachments/FCC-25-38A1.pdf>.

Notes: This table contains a selection of major FCC rulemakings or actions pertaining to pole attachments but is not exhaustive. Within many of these rulemakings or actions, the FCC also sought comment on certain pole attachment issues or proposed FCC rules relating to pole attachments. The most recent FCC action on pole attachments was taken in 2025; there have been no FCC actions on pole attachments in 2026 to date.

- a. In the one touch make-ready process, the new attacher performs all make-ready work instead of the pole owner.
- b. Overlashing is the process of tying additional cables onto cables that are already attached to a pole. See Sean Buckley, “CenturyLink to FCC: Allow Fiber Overlashing on Poles to Accelerate Broadband Deployment,” *Fierce Network*, April 12, 2018, <https://www.fierce-network.com/telecom/centurylink-says-fiber-overlashing-fiber-poles-can-accelerate-broadband-deployment>.
- c. A local exchange carrier is a wireline telephone company that provides local services within a specified service area. See California Public Utilities Commission, “Telecommunications Carrier Types with

Definition,” <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-carrier-types-with-definition>.

State Regulation

Section 224(c) contains a “reverse preemption provision” that allows states to regulate their own pole attachment processes, in lieu of FCC regulation. There are statutory requirements that states must meet. Specifically, 224(c)(3) provides that a state “shall not be considered to regulate the rates, terms, and conditions for pole attachments” unless it has issued and made effective rules and regulations and responds to complaints within the applicable amount of time.

If a state elects to use the reverse preemption provision, its legislature will typically pass a law authorizing the state public utility commission to regulate pole attachments.²⁸ At the time of publication of this report, 23 states and the District of Columbia have certified to the FCC that they regulate pole attachments. See **Table 2**.

Table 2. States That Regulate Pole Attachments

Alaska	Florida	Massachusetts	Oregon
Arkansas	Idaho	Michigan	Pennsylvania
California	Illinois	New Hampshire	Utah
Connecticut	Kentucky	New Jersey	Vermont
Delaware	Louisiana	New York	Washington
District of Columbia	Maine	Ohio	West Virginia

Source: Federal Communications Commission (FCC), “States That Have Certified That They Regulate Pole Attachments,” public notice, June 13, 2022, <https://docs.fcc.gov/public/attachments/DA-22-630A1.pdf>.

Notes: The District of Columbia is included as a state in the FCC public notice. The public notice also clarifies that the FCC “compiles and publishes from time to time a listing of states that have provided certification.” The most recent list was published in June 2022.

Each of the states in **Table 2** has its own set of rules on pole attachment issues, and these rules may address challenges unique to each state. For example, in 2025, Idaho enacted legislation that requires utilities to allow space on poles for broadband, cable, and telecommunications equipment and allows for mediation by the Idaho Public Utilities Commission. In the same year, Indiana enacted legislation that sets standards for pole attachments related to the BEAD Program, including timeline and mediation, and Maine legislation expanded municipal authority over pole attachments.²⁹ Regulation of pole attachments by states can provide them with the opportunity to adopt policies that address local needs. Variation in state laws creates a complex landscape of disparate pole attachment requirements.³⁰ It creates a fragmented regulatory scheme—which may create policy inconsistencies. Navigating different state regulations may pose a challenge for

²⁸ Zhenye Wang et al., “FCC Assures State Lawmakers of Commitment to Pole Attachment Rules Promoting Broadband Deployment and Competition,” *Sheppard*, May 25, 2023, <https://www.sheppard.com/insights/blogs/fcc-assures-state-lawmakers-of-commitment-to-pole-attachment-rules-promoting-broadband-deployment-and-competition>.

²⁹ Jackson Littlewood, “Powering Connectivity: How State Legislatures Shaped Broadband in 2025,” National Conference of State Legislatures, December 15, 2025, <https://www.ncsl.org/state-legislatures-news/details/powering-connectivity-how-state-legislatures-shaped-broadband-in-2025>.

³⁰ Caroline McNally, “Navigating the Complexities of the Pole Attachment Process,” *eFuel*, November 7, 2024, <https://www.engineeringserviceprovider.com/navigating-the-complexities-of-the-pole-attachment-process/>.

nationwide deployment projects (e.g., through federal broadband programs such as the BEAD Program), which must meet mandated build-out timelines.³¹

Selected Issues and Policy Options for Congress

Over the past few decades, Congress has provided subsidies via legislation to assist with the expansion of broadband deployment. Previously, some Members have considered how pole attachments may affect the deployment of broadband.³² Some academics have noted that “while it is important to get subsidies right, the most expedient public-policy change to ensure greater deployment and adoption of broadband would be to reform policies that needlessly impede the construction and efficient operation of broadband services.”³³ Similarly, some stakeholders have asserted that Congress should take a “direct role in improving and reforming pole access rules in order to speed rural broadband deployment.”³⁴ These issues, which include potential impact on BEAD Program deployments related to costs and access to poles and exemptions under Section 224 for certain pole owners, have been raised by some stakeholders. Selected issues related to pole attachment that Congress may consider are discussed below.

Costs, Pace, and Potential Impact on BEAD Program

The timeline to request and complete pole attachments and the costs charged by pole owners are some of the key challenges that have been noted by stakeholders.³⁵ These challenges have been a divisive issue. For instance, during an April 2026 online event held by news organization Broadband Breakfast, “broadband providers and a representative of an electric utility disagreed ... over who should pay for pole replacements, how fast make-ready work should happen, and whether federal regulators are helping or overstepping.”³⁶

Pole attachment challenges have been an ongoing issue with broadband deployment generally, and these concerns have intensified under the BEAD Program. A number of states identified poles as a possible barrier to deployment in their BEAD Five-Year Action Plans.³⁷ A BEAD Five-Year Action Plan outlines a state’s broadband goals or priorities and is required by NTIA for a state to receive initial planning funds.³⁸ Following are three examples:

³¹ Jericho Casper, “State Control Over FCC’s Pole Regulations – a Blessing or a Curse?,” *Broadband Breakfast*, October 30, 2024, <https://broadbandbreakfast.com/state-control-over-fccs-pole-regulations-a-blessing-or-a-curse/>.

³² See, for example, Sen. John Thune, “Thune Launches Nationwide Broadband Oversight Effort,” press release, December 6, 2022, <https://www.thune.senate.gov/public/index.cfm/2022/12/thune-launches-nationwide-broadband-oversight-effort>.

³³ Kristian Stout and Ben Sperry, *Issue Brief: Pole Attachments and Broadband Build-Out*, International Center for Law & Economics, July 2021, p. 2, <https://laweconcenter.org/wp-content/uploads/2021/07/Pole-Attachment-Issue-Brief.pdf>.

³⁴ Connect the Future, “Correcting the Record: NRECA’s Misleading Claims on Pole Policy,” July 10, 2024, <https://connectthefuture.com/misleading-claims-on-pole-policy/>.

³⁵ John Windhausen, “Enough Talk About Pole Attachments—It’s Time for Action!,” *Broadband Breakfast*, July 29, 2024, <https://broadbandbreakfast.com/enough-talk-about-pole-attachments-its-time-for-action/>.

³⁶ Brian O’Hara, “Pole Attachment Disputes Over Costs, Timelines and Safety at Broadband Breakfast Event,” *Broadband Breakfast*, April 8, 2026, <https://broadbandbreakfast.com/pole-attachment-disputes-over-costs-timelines-and-safety-at-broadband-breakfast-event/>.

³⁷ Lance West, “Delivering on BEAD’s Promise to Connect America,” Comcast Corporation, March 6, 2026, <https://corporate.comcast.com/stories/deploying-bead-connect-more-americans-fast>.

³⁸ BroadbandUSA, “Timeline,” <https://broadbandusa.ntia.gov/funding-programs/broadband-equity-access-and-deployment-bead-program/timeline>.

- An Arizona agency observed that, “according to the [internet service provider] survey respondents, 29.6 percent of them consider timely and affordable access to utility poles and pole components an extreme threat to broadband deployment, while 55.6 percent view it as a moderate barrier to deployment.”³⁹
- Florida agencies noted that “burdensome costs or processes for access to poles” was one of the biggest challenges a broadband provider may face when trying to expand its infrastructure in the state.⁴⁰
- A Michigan agency stated that, “overall, pole attachments can be a significant barrier to broadband deployment, particularly for small or new providers. Reducing the cost and complexity of obtaining pole attachments, increasing access to poles, and creating consistent regulations and policies can help to promote broadband deployment and increase access to high-speed internet.”⁴¹

In many states, the deployment of BEAD-funded projects is under way. It remains to be seen whether pole attachments will be a challenge for broadband providers in meeting program-mandated deadlines.⁴² Some states have noted long timelines (e.g., up to five years in total) for pole survey results and completion of make-ready work.⁴³

In the context of the BEAD Program, Congress could take a wait-and-see approach to ascertain if pole-attachment-related issues are arising and affecting the program’s deadlines, or it could consider requiring the NTIA to take anticipatory action. This could include directing the NTIA to allow states to use BEAD non-deployment funds for pole attachment support.⁴⁴ Other options include requiring states that identified poles as a barrier in their BEAD Five-Year Action Plan to form working groups or task forces to address pole replacement issues and pole access disputes.⁴⁵ Congress could also examine whether the application of a deadline for BEAD-funded projects might help improve the speed and certainty of the process.⁴⁶ For instance, if a pole owner fails to act on a pole attachment request within a reasonable period, the request is automatically approved.⁴⁷ A potential challenge is that poles owned by a single utility company may vary in

³⁹ Arizona Commerce Authority, *Broadband, Equity, Access, and Deployment Program (BEAD) Five-Year Action Plan*, August 2023, p. 44, https://www.azcommerce.com/media/gfoj3qhx/arizona-bead-five-year-action-plan_final_08222023.pdf.

⁴⁰ Florida Office of Broadband and Florida Department of Commerce, *A Connected Florida: Access, Opportunity, Workforce, Prosperity, Resiliency: Florida’s Five-Year Action Plan*, p. 81, https://broadbandexpanded.com/files/iija_plans/FL%20-%20BEAD%205-Year%20Plan%20-%20Final.pdf.

⁴¹ Michigan Department of Labor & Economic Opportunity, *Broadband Equity, Access, and Deployment Program (BEAD) Five-Year Action Plan*, August 2023, p. 62, <https://www.michigan.gov/leo/-/media/Project/Websites/leo/Documents/MIHI/BEAD/MIHI-BEAD-Five-Year-Plan.pdf>.

⁴² For instance, a subgrantee (i.e., broadband provider) must provide broadband service within four years of receiving a subgrant from the state. See NTIA, *Notice of Funding Opportunity: Broadband Equity, Access, and Deployment Program*, May 2022, p. 65, <https://broadbandusa.ntia.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>.

⁴³ Jericho Casper, “GoNetspeed: Pole Regs in Massachusetts Threaten BEAD Success,” *Broadband Breakfast*, October 25, 2024, <https://broadbandbreakfast.com/gonetspeed-pole-regs-in-massachusetts-threaten-bead-success/>.

⁴⁴ After committing funds for deployment purposes, states may have remaining BEAD funding that can be used for non-deployment purposes. Per the NTIA, guidance for how non-deployment funds may be used is forthcoming. See NTIA, *Broadband Equity, Access, and Deployment (BEAD) Program: BEAD Restructuring Policy Notice*, June 2025, p. 15, <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>.

⁴⁵ John Windhausen, “Enough Talk About Pole Attachments—It’s Time for Action!,” *Broadband Breakfast*, July 29, 2024, <https://broadbandbreakfast.com/enough-talk-about-pole-attachments-its-time-for-action/>.

⁴⁶ Jeffrey Westling, “Broadband Deployment: The Problem with Poles,” *American Action Forum*, April 21, 2024, <https://www.americanactionforum.org/insight/broadband-deployment-the-problem-with-poles/>.

⁴⁷ Sebastian Griffin, “Accelerating Broadband Deployment with a Shot Clock,” *Broadband Breakfast*, January 4, 2025, <https://broadbandbreakfast.com/accelerating-broadband-deployment-with-a-shot-clock/>.

their condition—leading to varying attachment costs and capacity for attachments; some may be ready immediately, while others may take some time.⁴⁸

Regarding pole attachments, the focus for broadband providers may be to connect consumers as quickly as possible. Utility companies may prioritize providing safe and reliable utility services.⁴⁹ Some stakeholders supporting the utilities industry note that “safety is the number one priority, which means that all new attachments must be done in such a way that protects utility and communication space workers as well as the public.”⁵⁰ Additionally, any errors in the attachment process could result in a disruption of existing services.⁵¹ Some pole owners may also have concerns about how state or federal regulations may impact them. For instance, some utilities find that certain FCC reforms relating to costs, contractor access, and timeline “would create safety risks, disrupt grid operations and shift unrecoverable expenses onto power companies.”⁵² A question for Congress, federal agencies such as the FCC and NTIA, and states may be how to expedite pole attachments for BEAD deployments while also addressing pole owner concerns—for example, about costs and safety.

Congress may address issues related to pole attachments and broadband deployment beyond the BEAD Program. For example, to address pole attachment costs, Congress may seek policies that accelerate broadband expansion while fairly distributing financial responsibilities.⁵³ For example, Congress could consider Canada’s model, adopted in 2023, which requires, among other things, pole owners to share maintenance and replacement costs and negotiate with attachers in good faith.⁵⁴ Congress may consider federal subsidies for broadband providers to help cover or offset the cost of pole replacements, similar to what some states have done.⁵⁵ Congress could also deliberate on whether applying the statutory authorities of Section 224 to BIAS-only providers would address challenges with respect to costs or access to poles.

A congressional directive to the FCC to take further action on pole attachments may affect states that regulate pole attachments. For example, West Virginia, one of the states that regulates poles, adopted rules that largely mirror the FCC’s—including any future changes that the FCC’s rules might undergo. Thus, “West Virginia’s regulations for pole attachments are ... not merely

⁴⁸ Doug Dawson, “Still Talking About Poles,” *CCG Consulting*, November 5, 2024, <https://potsandpansbyccg.com/2024/11/05/still-talking-about-poles/>.

⁴⁹ Tad Dickens, “Virginia Is Trying to Get Broadband to 162,000 Locations Without It. Old Utility Poles May Get in the Way,” *Cardinal News*, January 3, 2024, <https://cardinalnews.org/2024/01/03/as-broadband-funding-flows-expansion-projects-hit-a-low-tech-snap-utility-poles/>.

⁵⁰ Adam Schmehl, “What Utilities Want You to Know,” *Katapult Engineering*, <https://www.katapultengineering.com/blog/what-utilities-want-you-to-know>.

⁵¹ Jeffrey Westling, “Broadband Deployment: The Problem with Poles,” *American Action Forum*, April 21, 2024, <https://www.americanactionforum.org/insight/broadband-deployment-the-problem-with-poles/>.

⁵² Akul Saxena, “On Pole Attachments, Industry Groups Battle Over Cost Caps and Utility Control,” *Broadband Breakfast*, December 1, 2025, <https://broadbandbreakfast.com/on-pole-attachments-industry-groups-battle-over-cost-caps-and-utility-control/>.

⁵³ Amina Cecunjanin-Musić, “Utility Pole Access: A Key Barrier to Broadband Expansion,” *Broadband Expanded*, March 17, 2025, <https://broadbandexpanded.com/posts/dspoleaccess>.

⁵⁴ Canadian Radio-Television and Telecommunications Commission, *Telecom Regulatory Policy CRTC 2023-31*, February 15, 2023, <https://crtc.gc.ca/eng/archive/2023/2023-31.htm>.

⁵⁵ See, for example, North Carolina Department of Information Technology, “Broadband Pole Replacement Program,” <https://www.ncbroadband.gov/polereplacement>; and Texas Broadband Development Office, “Texas Broadband Pole Replacement Program,” <https://comptroller.texas.gov/programs/broadband/funding/pole-replacement/>.

‘informed’ by changes at the federal level, but are, in fact, entirely dependent upon action from Congress and the FCC.”⁵⁶

Congress could also opt not to act on pole attachments—either with respect to the BEAD Program or generally—and defer to the NTIA, the FCC, or states to take any potential action on pole attachment costs and timing under the existing statutory framework.

Section 224 Exemption for Certain Pole Owners

Currently, IOUs and private companies are subject to FCC pole attachment regulation under Section 224, while certain pole owners—municipalities, electric cooperatives, and public utilities—are exempt. This distinction has been a source of debate. Some stakeholders support the exemption for certain pole owners. Others wish to see the exemption removed. One of the main sources of contention are the costs charged by these pole owners for access to the poles they own, which some studies have found to be higher than for poles owned by IOUs.⁵⁷ At the time of the passage of the Pole Attachment Act of 1978, Congress noted that cooperatives and municipalities “charged the lowest pole attachment rates and that it anticipated that [these entities] would continue to charge low rates because of ‘...an added incentive to foster the growth of cable television in their areas.’”⁵⁸ According to congressional testimony from 2023, electric cooperatives “charge cost-based rates depending on several factors, including population density and geographic terrains within their service territories.”⁵⁹ There are varying views on whether the exemption potentially hinders broadband deployment. Some stakeholders consider rates charged by pole owners that are not regulated by the FCC “unreasonable” and “anticompetitive,” which has led to the passage of legislation in some states (e.g., Florida, Pennsylvania, Tennessee) to regulate these pole owners.⁶⁰ Some say these costs could be prohibitive for broadband expansion.⁶¹ Other stakeholders contend there is no evidence that local regulation of pole attachments is a barrier to broadband expansion.⁶²

Certain federal broadband programs have conditioned funding on compliance with the FCC’s pole attachment rules. For instance, updated general terms and conditions (dated November 2025, released in January 2026) for the BEAD Program direct state broadband offices (i.e., the administering entities) to require that pole owner subgrantees comply with FCC pole attachment

⁵⁶ Zhenye Wang et al., “FCC Assures State Lawmakers of Commitment to Pole Attachment Rules Promoting Broadband Deployment and Competition,” *Sheppard*, May 25, 2023, <https://www.sheppard.com/insights/blogs/fcc-assures-state-lawmakers-of-commitment-to-pole-attachment-rules-promoting-broadband-deployment-and-competition>.

⁵⁷ Center for Technology, Innovation, and Competition and University of Pennsylvania Law School, *Survey of Rates for Pole Attachments and Access to Rights of Way*, April 24, 2018, p. 5, <https://www.fcc.gov/sites/default/files/ad-hoc-committee-survey-04242018.pdf>.

⁵⁸ See Michelle Connolly, *The Economic Impact of Section 224 Exemption of Municipal and Cooperative Poles*, July 12, 2019, p. 7, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4267326. See also S.Rept. 95-580, 95th Cong., 1st sess. (1977).

⁵⁹ Testimony of Louis Finkel, Senior Vice President, Government Relations, National Rural Electric Cooperative Association (NRECA), in U.S. Congress, House Committee on Energy and Commerce, *Legislative Hearing on Unleashing U.S. Communications Innovation*, 118th Cong., 1st sess., April 19, 2023, p. 4, https://d1dth6e84htgma.cloudfront.net/4_19_23_Testimony_Finkel_9aa03b120a.pdf?updated_at=2023-04-18T17:37:56.898Z.

⁶⁰ See Fla. H.B. 1221 Reg. Sess. (2023); Pa. Gen. Assemb. Act No. 98 (2020); and Tenn. S.B. 1215 (2017).

⁶¹ Jeffrey Westling, “Broadband Deployment: The Problem with Poles,” *American Action Forum*, April 21, 2024, <https://www.americanactionforum.org/insight/broadband-deployment-the-problem-with-poles/>.

⁶² American Public Power Association, “Preserving the Municipal Exemption from Federal Pole Attachment Regulations,” January 2026, https://www.publicpower.org/system/files/documents/23%202026%20Issue%20Briefs_Pole%20Attachment_FINAL_0.pdf.

rules—including pole owners exempted under Section 224.⁶³ Some stakeholders assert that complying with the BEAD general terms and conditions to include these pole owners violates the exemption under Section 224 and that this decision jeopardizes the “ability to safely manage and maintain their pole infrastructure, and shifts the cost of rural broadband deployment” back to these pole owners and their customers.⁶⁴ Other stakeholders assert that successful implementation of the BEAD Program relies on Congress granting the FCC jurisdiction over all types of pole owners.⁶⁵

Congress could consider legislating on this issue, including codifying the required compliance with FCC pole attachment rules for the BEAD Program⁶⁶ or other federal broadband programs. The Fair Access to Internet Ready Poles Act (FAIR Poles Act), proposed in the 118th Congress, would have eliminated the Section 224 exemption specifically for cooperatives and municipalities receiving federal funding.⁶⁷ Alternatively, Congress could deliberate on removing compliance requirements for pole owners exempted under Section 224 in the BEAD Program. Congress could also defer to the NTIA and other agencies implementing federal broadband programs on issues related to pole attachment requirements.

Irrespective of federal broadband programs, Congress may consider legislation that would amend Section 224 to apply to all pole owners. This approach is supported by some stakeholders, such as NCTA – The Internet & Television Association, who assert that removing the exemption would result in cost-based rates and a more competitive market.⁶⁸ Other stakeholders, such as the National Rural Electric Cooperative Association (NRECA), do not hold that regulation of pole rates for pole owners such as electric cooperatives would necessarily translate into an increase in investment for broadband.⁶⁹

Congress could also consider advancing the Barriers and Regulatory Obstacles Avoids Deployment of Broadband Access and Needs Deregulatory Leadership (BROADBAND Leadership) Act (H.R. 278), introduced in the 119th Congress, which would address various regulatory barriers that may hinder the deployment of telecommunications services, particularly at the state and local levels.⁷⁰ While stakeholders such as the telecommunications industry may be supportive of this bill, other stakeholders, such as the American Public Power Association, oppose this bill stating that “it would effectively remove public power utilities’ long-standing exemption

⁶³ NTIA, *General Terms and Conditions for the NTIA BEAD Program Funds*, November 2025, pp. 9-10, https://broadbandusa.ntia.gov/sites/default/files/2026-01/BEAD_GTCs_11_18_2025.pdf.

⁶⁴ Letter from Jim Matheson, Chief Executive Officer, NRECA, to Howard Lutnick, Secretary of Commerce, February 12, 2026, p. 2, <https://www.cooperative.com/topics/telecommunications-broadband/Documents/Signed%20Letter%20to%20Secretary%20Lutnick%202.12.2026.pdf>.

⁶⁵ Connect the Future, “Correcting the Record: NRECA’s Misleading Claims on Pole Policy,” July 10, 2024, <https://connectthefuture.com/misleading-claims-on-pole-policy/>.

⁶⁶ NTIA, *General Terms and Conditions for the NTIA BEAD Program Funds*, November 2025, p. 11.

⁶⁷ The Fair Access to Internet Ready Poles Act (FAIR Poles Act) was circulated as a discussion draft and considered during an April 2023 hearing but was not formally introduced. See House Committee on Energy and Commerce, “Chairs Rodgers, Latta Announce Legislative Hearing on Unleashing U.S. Communications Innovation,” April 12, 2023, <https://energycommerce.house.gov/posts/chairs-rodgers-latta-announce-legislative-hearing-on-unleashing-u-s-communications-innovation>.

⁶⁸ NCTA, “Excessive Pole Rates Are Stifling Rural Broadband Investment and Deployment,” July 24, 2019, <https://www.ncta.com/news/excessive-pole-rates-are-stifling-rural-broadband-investment-and-deployment>.

⁶⁹ NRECA, “Myth vs. Fact: Broadband Pole Attachments,” April 2022, <https://www.cooperative.com/programs-services/government-relations/regulatory-issues/documents/myth.v.reality.pole.attachment.replacement.04.07.2022.final.pdf>.

⁷⁰ Additionally, Section 102 of H.R. 2289, the American Broadband Deployment Act of 2025, contains the text of H.R. 278 (BROADBAND Leadership Act).

from FCC oversight of pole attachments.”⁷¹ Congress could also opt not to act on issues relating to the Section 224 exemption of certain pole owners.

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⁷¹ American Public Power Association, “Preserving the Municipal Exemption from Federal Pole Attachment Regulations,” January 2026, https://www.publicpower.org/system/files/documents/23%202026%20Issue%20Briefs_Pole%20Attachment_FINAL_0.pdf.