NEPPA Resolution 2026-03

Protect Local Control Over Utility Infrastructure

WHEREAS, in seeking to expand broadband access, Congress directed the Federal Communications Commission (FCC) to set the price of pole attachment fees for privately-owned utilities at below-market rates giving specific exemption under Section 224 of the Communications Act to not-for-profit utilities, whose rates are already governed in the public interest, and;

Whereas, Congress has consistently upheld exemptions for not-for-profit utilities from pole attachment regulations, and;

Whereas, electric systems work with telecom carriers and internet service providers to provide safe access to electric poles, charging fees to cover the costs of conducting this analysis and maintaining the poles they seek to access, and;

Whereas, today's number of pole attachments has significantly increased and are larger than in the past and they are often placed above electrically-charged wires, presenting additional engineering risks that must be evaluated, and;

Whereas, significant federal investments in broadband infrastructure have increased the demand for access to electric poles, and;

Whereas, the FCC has directed an expedited approval process for public power utilities to follow in evaluating the safety of pole attachments, notwithstanding the clear exemption from regulation enjoyed by not-for-profit utilities under the statute;

Be it now

RESOLVED, that NEPPA:

1. Opposes attempts to grant federal jurisdiction over locally-owned utility poles, including the FCC's September 2018 declaratory order establishing strict timelines for pole attachment approvals.
2. Opposes attempts to eliminate the FCC pole attachment regulations exemption for not-for-profit utilities that receive federal broadband assistance.
3. Supports the right of consumer-owned electric systems to determine fees and processes for pole attachment that are based on actual costs and ensure the safety of the proposed attachment.

Originally adopted by the NEPPA Board of Directors 7/20/2020.
Readopted by the NEPPA Board of Directors 8/23/23.