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Building America: Challenges In Wireline Broadband Deployment - Mintz

Most people do not spend much time thinking about the wires and cables that run under or along the streets and public rights-of-way where we walk, drive our cars, and ride our bikes every day. But these rights-of-way are critical to the delivery of our broadband, video, and telecommunications services. Ensuring providers can deploy facilities to reach our homes and businesses is essential to our everyday lives and to achieving the goal of giving every American access to broadband service. I recently had a chance to lead a CLE exploring these issues and offer the following points to think about—whether you are in the business or simply curious about what is going on.

Federal and state funding initiatives are driving massive deployment efforts.

The goal of making broadband available to all Americans has bipartisan support and long predates the COVID-19 pandemic. But with the pandemic highlighting the difficulty for those without a broadband connection to work or attend school and supercharged efforts to close the gap. Congress and the FCC have made more than $70 billion in funds available this decade to address buildout to rural areas through the American Rescue Plan Act (ARPA), the Rural Digital Opportunity Fund (RDOF), and the Broadband Equity, Access, and Deployment (BEAD) program. Many states have kicked in, too, with their own grant programs.

Most broadband providers need access to public rights-of-way.

While it is possible to beam broadband service from space, most broadband service is still provided through facilities placed over or under public rights-of-way. Broadband providers include companies that started as telephone and cable providers, who have always put their facilities in the rights of way, but also include new players who are actively installing new fiber optic cable primarily—or entirely dedicated to—broadband use. Even wireless providers, who do not need to run wires to connect to the customers they serve, increasingly rely on “small cell” facilities placed in the rights of way. And those small cell facilities in turn connect to the providers’ distribution facilities by cables that are also in the right-of-way.

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