

JOINT USE ALERT

FCC OVERTURNS NET NEUTRALITY RULES AND RECLASSIFIES BROADBAND INTERNET ACCESS SERVICES

Earlier today, and as expected, the FCC overturned the now infamous 2015 Net Neutrality Rules. The rules were primarily targeted at regulating the conduct of internet service providers – mainly the speed and price for the delivery of certain internet content. The FCC was able to do this by reclassifying Broadband Internet Access Services (“BIAS”) as “telecommunications services” under federal law. In turn, this reclassification required pole owners to charge BIAS providers the FCC’s telecom rental rate for attachments offering BIAS services.

By overturning the 2015 rules, and again reclassifying BIAS (this time as an “information service”), the FCC has created ambiguity over the rental rates to be charged providers offering only BIAS services. Most attaching entities now offer multiple classified services over their attachments. Thus, the expected impact on pole owners and attachment revenue should be minimal. Nevertheless, today’s vote is further proof of the FCC’s heightened attention to broadband issues. We expect continued action from the FCC on numerous pole attachment issues, including the pending NPRM on overlashing, in the coming months. Stay tuned!

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