SAMPLE COMMENT TEMPLATE FOR LOCAL GOVERNMENTS

INSTRUCTIONS TO SUBMIT:
https://www.federalregister.gov/documents/2026/08/07/2026-16196/build-america-eliminating-barriers-to-wireline-deployments#addresses

September [ ], 2026

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
45 L Street NE
Washington, DC 20554

Re: Build America: Eliminating Barriers to Wireline Deployments, WC Docket No. 25-253, FCC 26-40

COMMENTS OF **[JURISDICTION]**

I. INTRODUCTION AND INTEREST OF [JURISDICTION]

The **[Jurisdiction]** respectfully submits these comments in response to the Federal Communications Commission's Notice of Proposed Rulemaking in the above-captioned proceeding.

[Briefly describe your jurisdiction, including its population and current level of wireline broadband coverage; the infrastructure it owns and maintains within public rights-of-way; the staffing resources dedicated to reviewing and processing applications; and the number of local departments and state or local agencies involved in wireline zoning, permitting, and right-of-way approvals and any other relevant information.]

The **[Jurisdiction]** supports the Commission's goal of accelerating the deployment of reliable, affordable high-speed broadband. Broadband is essential to **[local examples: economic development, education, health care, public safety, municipal services, agriculture, or workforce development]**.

The **[Jurisdiction]** is dedicated to working cooperatively with telecommunications providers by **[describe permitting performance, electronic systems, pre-application meetings, coordinated review, recent projects, or other facilitation].**

The **[Jurisdiction]** strongly believes national broadband policy is best advanced through a federal-local partnership that promotes deployment while preserving the ability of local governments to protect public safety, critical infrastructure, and taxpayer-funded property. However, the Commission's proposed rules would impose inflexible deadlines, restrict lawful compensation, and preempt local authority Congress expressly preserved. The Commission's proposed rules rest on generalized assertions that do not reflect the practices of this jurisdiction or the cooperative work of most local permitting authorities.

The **[Jurisdiction]** urges the Commission to reject sweeping federal mandates that would impose rigid deadlines, shift costs to local taxpayers, and undermine responsible management of public rights-of-way.

II. SUMMARY OF COMMENTS

The Commission should **not** adopt the proposed rules, which would improperly override local authority expressly preserved by Congress. The Commission has not demonstrated clear statutory authority to impose a wireline shot clock, restrict compensation protected under Section 253(c), or broadly preempt local requirements without examining specific circumstances. A nationwide 120-day deadline would replace careful, locally informed review with an arbitrary standard that fails to account for project complexity, public safety, infrastructure conditions, staffing limitations, and sequential approvals. Restricting compensation would also force local taxpayers to subsidize private commercial use of public property. **[Jurisdiction]** therefore urges the Commission to withdraw the proposed rules, preserve local authority over public rights-of-way, and address documented violations individually through targeted, fact-specific review.

III. THE COMMISSION HAS NOT ESTABLISHED AUTHORITY FOR THE PROPOSED PREEMPTIVE RULES

A. Section 253 Does Not Supply a Clear Basis for a Wireline Shot Clock

The Commission's proposed rule relies on general provisions of federal communications law as potential authority to establish mandatory review timelines for wireline deployment applications. However, there is no clear congressional direction authorizing the Commission to establish such timelines or impose broad federal limits on state and local governments. We believe the proposed rules clearly exceed the authority Congress granted to the Commission.

Unlike other areas of communications law in which Congress expressly established timing expectations for local review, federal law does not clearly impose comparable deadlines for wireline deployment requests. This distinction suggests that federal agencies should not infer authority to create mandatory timelines that Congress did not expressly provide.

General administrative and rulemaking authority should not be used to expand federal preemption beyond the limits established by Congress. Any federal requirements that displace traditional state and local authority over public property, construction, public safety, permitting, and rights-of-way management should be based on a clear and specific congressional authorization.

B. Section 253(c) Expressly Preserves Local Rights-of-Way Authority

Section 253(c) of the Communications Act provides:

Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a competitively neutral and nondiscriminatory basis. 47 U.S.C. § 253(c).

That savings clause protects meaningful local authority, not an empty formality. The proposed rules would dictate the time, conditions, and compensation under which private providers may occupy and disturb public property. Construing Section 253(a) to erase the authority preserved in Section 253(c) would invert the statutory structure. The Commission should instead give full effect to Congress's express protection of local management and compensation authority.

C. Section 253(d) Calls for Fact-Specific Correction, Not Blanket Presumptions

Section 253(d) authorizes preemption "to the extent necessary to correct" a state or local requirement that violates Section 253(a) or (b). That language requires identification of a particular violation and a remedy tailored to correct it. It does not support generally applicable rules that presume thousands of jurisdictions have effectively prohibited telecommunications service without examining their requirements, performance, or local circumstances.

The Commission's own request for comment on whether it may establish generally applicable presumptions, and whether Section 253(d) permits preemption of requirements protected or purportedly protected by Section 253(c), demonstrates that the proposed authority is unsettled. Where Congress preserved traditional local authority and did not speak clearly, the Commission should not infer a sweeping power to preempt. If a provider believes a particular requirement effectively prohibits service, the appropriate course is a record-based Section 253 proceeding addressing that jurisdiction and requirement.

IV. A UNIFORM 120-DAY SHOT CLOCK IS ARBITRARY AND PRACTICALLY UNWORKABLE

A. Wireline Construction Requires Careful Engineering and Safety Review

Wireline projects are not single-point installations. They may extend for miles, require excavation or boring, close travel lanes, cross bridges or waterways, attach to poles, and interact with gas, water, sewer, electric, stormwater, transportation, and communications infrastructure. Local review protects workers, residents, existing utilities, emergency access, and substantial public investments. Speed is important, but it cannot displace the technical work needed to avoid service outages, dangerous utility strikes, roadway failures, and costly repairs.

[Insert one or two local examples. Examples may include utility strikes, narrow corridors, flood or hurricane standards, steep slopes, historic districts, rail crossings, state highway approvals, or planned capital projects.]

B. The Deadline Must Not Begin Before a Complete Application Exists

Applications are frequently incomplete, internally inconsistent, or revised after filing. A jurisdiction cannot perform meaningful engineering review without accurate plans, utility information, construction methods, traffic-control plans, restoration details, and all other required materials. Any timing framework must therefore begin only after the relevant application is complete and must pause while the applicant supplies missing information or responds to requested revisions.

If the Commission imposes obligations on local governments, it should impose corresponding obligations on applicants to submit complete and accurate materials; respond within defined periods; coordinate with affected utilities; and provide revised plans promptly. Local governments should not be held responsible for delays caused by applicants, third-party utilities, other agencies, emergencies, litigation, force majeure, or field conditions beyond local control.

[If available, provide examples of incomplete or revised applications, avoiding confidential or disputed details.]

C. Separate and Sequential Authorizations Cannot Be Collapsed into One Clock

The proposal to complete all authorizations within 120 days of the first application is particularly unworkable. Franchise or access authority, environmental or historic review, engineering approval, and construction permits may be legally or practically sequential. Later applications may not be filed until weeks or months after the first. Starting one clock with the first submission would consume the review period before a local government receives the materials needed to evaluate later approvals.

The proposed single shot clock framework does not adequately account for the complexity of the permitting process, the interdependencies among approvals, or the differences between routine work and complex, large-scale, or multi-agency projects. Depending on the complexity of a proposed deployment, local governments must be able to establish longer review periods or grant flexible extensions, particularly for small and rural jurisdictions with limited staff and for projects involving unusual geographic, environmental, resilience, or public safety considerations.

[Provide recent examples of projects requiring sequential right-of-way, environmental, engineering, or multi-agency reviews, as well as delays caused by incomplete applications, limited staffing, or external requirements.]

V. THE COMMISSION SHOULD PRESERVE FAIR AND REASONABLE COMPENSATION

Congress authorized "fair and reasonable compensation" for use of public rights-of-way; it did not limit compensation to the incremental direct cost of processing an application. 47 U.S.C. § 253(c). The statutory conditions are that compensation be fair and reasonable, competitively neutral and nondiscriminatory, and publicly disclosed. The Commission should not replace Congress's standard with a narrower cost-only rule.

Public rights-of-way are valuable, finite assets built and maintained with taxpayer funds. Private occupation creates ongoing costs, including inspection, maintenance, utility coordination, emergency work, and infrastructure relocation. Restricting compensation would shift these costs to residents and businesses through higher taxes, reduced services, or deferred maintenance.

[Provide examples of how right-of-way fees support local services and cover the direct and indirect costs associated with private use of public property.]

A federal rule should not require local taxpayers to subsidize private occupation of public property, particularly without evidence that the jurisdiction's compensation has materially inhibited deployment. The Commission should preserve reasonable direct and indirect cost recovery and lawful franchise or occupancy compensation that satisfies Section 253(c).

Local governments also own or hold in trust streets, sidewalks, bridges, drainage systems, and other right-of-way assets on behalf of the public. Our responsibility as proprietor and steward of those assets is distinct from our regulatory role. Nothing in Section 253 requires a public owner to surrender reasonable control of, or compensation for, private commercial use of its property.

VI. CONCLUSION

The **[Jurisdiction]** shares the Commission's goal of expanding broadband and remains committed to timely, cooperative deployment. That goal does not require displacing the local governments that own, manage, and protect the public infrastructure on which deployment depends. The proposed rules would impose a one-size-fits-all framework without a clear statutory foundation, compromise careful engineering and safety review, and transfer commercial costs to local taxpayers.

The Commission should work in partnership with local governments, respect the balance Congress established in Section 253, and focus any intervention on demonstrated barriers within specific jurisdictions. [Jurisdiction] respectfully urges the Commission to reject the proposed 120-day shot clock and other preemptive mandates and to preserve the flexibility necessary for the responsible management of public rights-of-way.

Respectfully submitted,

[Jurisdiction]

By: ____Signature____________

[Name]
[Title]
[Address]
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