

**VIA ECFS**

Mr. Trent Harkrader  
Chief, Wireline Competition Bureau  
Federal Communications Commission  
45 L Street, NE  
Washington, D.C. 20554

**Re: Rural Digital Opportunity Fund, WC Docket No. 19-126; Connect America Fund, WC Docket No. 10-90; The Rural Digital Opportunity Fund (Auction 904), AU Docket No. 20-34**

Dear Mr. Harkrader:

Charter Communications, Inc., through its affiliates Charter Fiberlink – Michigan LLC, Charter Fiberlink – Missouri, LLC, and Charter Fiberlink CCO, LLC (“Charter”), was awarded Rural Digital Opportunity Fund (“RDOF”) funding to deploy gigabit speed internet service in certain unserved areas of Michigan, Missouri, and Wisconsin.<sup>1</sup> Through this letter, Charter notifies the Federal Communications Commission that it is returning a very small percentage of census block groups (“CBGs”) in Michigan, Missouri, and Wisconsin due to unforeseen circumstances that are beyond Charter’s control.

Charter’s multi-year, multi-billion dollar rural construction initiative is adding more than 100,000 miles of fiber-optic network infrastructure that will deliver symmetrical and multi-gigabit speed internet access to approximately 1.75 million rural homes and small businesses across the country. Charter is making great progress: in 2023 alone, Charter’s rural construction initiative delivered internet access to 295,000 new locations – 10,000, 18,000 and 32,000 of which were located in Michigan, Missouri, and Wisconsin, respectively – and an additional approximately 450,000 new locations are expected to be activated across the country in 2024. In fact, one component of Charter’s rural construction initiative, the RDOF build, is expected to be completed by the end of 2026 – two years ahead of schedule.

The CBGs returned through this letter represent less than 2% of the approximately 1.75 million new locations to be reached through Charter’s rural construction initiative and approximately 2.4% of Charter’s RDOF locations. Due largely to unforeseeable costs, primarily costs associated with the need for extensive utility pole replacements,<sup>2</sup> deploying broadband in these few specific CBGs has become uneconomical. Despite years of consistent reiteration by the Commission that

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<sup>1</sup> See *Rural Digital Opportunity Fund Support for 5,657 Winning Bids*, Public Notice, 37 FCC Rcd 3570, 3580 Attach. A (WCB/OEA 2022).

<sup>2</sup> Pole owners in most states are not required to provide databases on their poles and there is no comprehensive poles-information database in existence. See *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Fourth Report and Order Notice of Proposed Rulemaking, FCC 23-109, ¶ 32 (2023) (“*Fourth Report and Order*”) (declining “(1) to require that each utility create an accessible database with an array of data on all its poles, or (2) to establish a single pole-information database for all utilities”).

cost sharing principles apply to pole replacements,<sup>3</sup> utilities generally have not been willing to share cost responsibility for pole replacements, and at best their practices are inconsistent, as the Bureau has observed.<sup>4</sup>

The CBGs are being returned now so that they may become eligible for other federal, state, or local subsidy programs, such as the largest ever federal investment in broadband, NTIA's Broadband Equity Access and Deployment ("BEAD") Program. Charter is working with Michigan, Missouri, and Wisconsin to confirm that locations in the affected CBGs are eligible in their final BEAD eligibility maps, provided they remain unserved or underserved.

Charter understands that it will no longer be entitled to receive further RDOF support for the surrendered CBGs and will be required to return support for these CBGs already received. Charter reserves and retains its right to seek relief from any penalties, including waiver of the Commission's rules, as well as seek other relief as may be necessary.

Please do not hesitate to reach out with any questions.

Respectfully submitted,

/s/ Elizabeth Andrion

Elizabeth Andrion  
Senior Vice President  
Regulatory Affairs  
Charter Communications

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<sup>3</sup> See *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Third Report and Order and Declaratory Ruling, 33 FCC Rcd 7705, 7766 ¶ 121 (2018) (clarifying that new attachers "are not responsible for the costs associated with bringing poles or third-party equipment into compliance with current safety and pole owner construction standards to the extent such poles or third-party equipment were out of compliance prior to the new attachment"); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Declaratory Ruling, 36 FCC Rcd 776, 779 ¶ 6 (WCB 2021) (Bureau clarifying that, pursuant to section 1.1408(b) of the Commission's rules and prior precedent, "utilities may not require requesting attachers to pay the entire cost of pole replacements that are not necessitated solely by the new attachers and, thus, may not avoid responsibility for pole replacement costs by postponing replacements until new attachment requests are submitted"); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Second Further Notice of Proposed Rulemaking, 37 FCC Rcd 4144, 4147 ¶ 7 (2022) (Commission subsequently affirming the Bureau's clarifications).

<sup>4</sup> See *Fourth Report and Order*, ¶ 5.

## **Census Block Groups**

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