

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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| In the Matter of                       | ) |                      |
|  | ) |                      |
| Build America: Eliminating Barriers to | ) | WC Docket No. 25-253 |
| Wireline Deployments                   | ) |                      |

Reply Comments of the City of Tucson on the Notice of Inquiry

The City of Tucson (“City”) hereby submits its Response Comments on the Federal Communications Commission’s (“Commission”) Build America: Eliminating Barriers to Wireline Deployment Notice of Inquiry. These Response Comments focus on the initial Comments submitted on November 18, 2025 in this matter by ACA Connects- America’s Communication Association (“ACA”), although several other parties submitted similar comments.

ACA initially prefaced its filing by noting:

[Small providers ACA represents] have developed deep and productive relationships with State and local agencies that provide access to public rights-of-way and public infrastructure (collectively, PROW). Our Members have found that most State and local governments understand the value of telecommunications network availability to their residents and communities, especially modern networks that also provide video and information services, and therefore are natural partners in joining with the Commission to carry out Congress’ open entry framework.

ACA Comments, p. 2. This admission suggests that broad, sweeping changes to State and local involvement in fiber deployment are not needed. Rather than a mandate from central planning imposing rigid limitations on local engagement, the Commission might better consider a more focused approach that targets the handful of instances where the boundaries are crossed.

ACA goes on to urge the Commission to adopt “clear and precise” standards:

- Shot clocks that require State and local entities to act within specified timeframes;

- A mandate that fees to access the Public Right of Way (“PROW”) must not exceed the cost of managing the PROW and be non-discriminatory;
- Prohibition of unreasonable conditions on deployment or access.

ACA Comments, pp. 4-5. ACA urges the Commission to preempt State and local requirements that it believes inhibit entry or result in discrimination. ACA Comments, p. 6.

On their face, such recommendations may appear sensible. Surely local entities should not be able to unjustifiably delay action on applications, or charge unreasonable PROW fees or impose unreasonable conditions. But imposing rigid national mandates is not the best solution where even the ACA admits that most State and local governments have worked with them to implement the open entry framework. While ACA asserts that this standard should be interpreted broadly, it never identifies specific actions that would justify such preemption.

The City believes its PROW practices are reasonable, transparent, and supportive of deployment. The City processes hundreds of telecom permits annually with predictable, published review steps and timelines. Permit review timelines are driven by safety, utility coordination, and engineering standards, and while it is understandable that applicants will always seek a faster application process, the City has received few verifiable complaints about the timeliness of the process.

The City is modernizing PROW coordination through its FTTP Program, including GIS dashboards, capital project coordination, and a standardized license structure. The upgraded and transparent dashboards in the program have reduced the risk of conflicting activities, including the risk of hitting another carrier. Eliminating this program through preemption would result in a lack of local control over public safety and construction in the PROW, which is inconsistent with the goal of protecting public health and safety, and leads to the mismanagement of City resources such as roads.

There is no benefit to the City from delay or obstruction of deployment; in fact the City is attempting to ensure that deployment happens as soon as practicable to as many as possible. The City's new microtrenching standard, which allows for a new, rapid deployment method that was not previously allowed at scale in the community, is one such modernization effort intended to assist in this endeavor. The contemplated preemption and imposition of a rigid national standard set by the Commission would undermine the efforts of the City at deployment.

Contrary to assertions in the NOI and the ACA Comments, the City's fees are cost-based and applied uniformly. These fees reflect staff time, inspection, traffic control review, restoration, and long-term PROW management. All fee schedules are public and uniformly applied to anyone using the PROW, ensuring competitive neutrality. Revenue share options are provided to licensees as a more affordable, less capital-intensive alternative to the per linear foot PROW Use fee. Arizona cities apply standard plan review and permit fees rather than punitive or duplicative charges, and all fees related to wireline deployment are tied to actual administrative and restoration costs.

The City further offers in-kind service as an option available to licensees to reduce the base fees paid. These in-kind options are asked for and utilized by many carriers, and serve essential public safety and infrastructure needs of the local community, supporting legitimate municipal functions such as:

- Traffic and safety system connectivity,
- Environmental and public health sensing,
- Ensuring resilient communication to public safety facilities,
- Reducing future street cuts and long-term capital costs.

These options directly advance the goals of the City's comprehensive plan and reduce the burden on taxpayers by coordinating infrastructure proactively. Preemption of local ordinances regarding deployment would prevent the City from offering these alternative arrangements to licensees.

The blanket preemption supported by ACA would actually serve to undermine the efficient deployment of infrastructure. Overly broad preemption risks shifting private construction costs onto taxpayers, contrary to the NOI's stated goals. Further, nationalized shot clocks, fee caps, and bans on in-kind arrangements would undermine the City's ability to manage PROW safely and maintain infrastructure. The City supports streamlined processes when applicants submit complete, accurate engineering and restoration details, as required in the City's FTTP license application, but should be allowed to establish its own timelines based on City staffing and budget and the local infrastructure.

In actuality, the City's objectives include enabling multiple ISPs and reaching 100% of premises, which align directly with federal broadband policy. The City's program standardizes construction methods, reduces conflicts, and provides multi-year citywide planning data to ISPs. Providers benefit from clearer expectations, consistent restoration standards, and opportunities for joint trenching—none of which impede deployment.

In managing infrastructure deployment, cities are responsible for:

- Protecting critical public assets,
- Managing cross-utility conflicts,
- Ensuring construction zones are safe,
- Maintaining transportation and drainage systems,
- Preventing unplanned costs to the public.

The City encourages the Commission to follow the approach advocated by cities like Scottsdale and Schaumburg—acknowledging cities' constructive role in broadband expansion and rejecting claims that local processes constitute “barriers.” The City encourages collaborative public-private models such as those highlighted in Scottsdale's letter, which demonstrate how municipal processes enhance rather than hinder broadband deployment. Federal policy should promote these partnership structures rather than replace local review with one-size-fits-all mandates.

The City is working to partner with other cities in the region to develop uniform and consistent standards to ensure faster, more streamlined processing of permits and construction, while also protecting each community's assets. The City looks forward to partnering with all providers as well—incumbent, new entrant, and open-access—to deliver equitable, high-quality service to every resident.

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