February 5, 2018

VIA ECFS

Ms. Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th Street SW

Washington, DC 20554

**RE: *In re Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84; *Accelerating Broadband Deployment*, GN Docket No. 17- 83**

**Notice of Ex Parte Presentation**

Dear Ms. Dortch:

On February 1, 2018, Elizabeth Andrion and Christianna Barnhart of Charter Communications, Inc. (“Charter”) met separately with Jay Schwarz from Chairman Pai’s office; Jamie Susskind from Commissioner Carr’s Office; Claude Aiken from Commissioner Clyburn’s office; and Amy Bender from Commissioner O’Reilly’s office regarding the above-referenced proceedings. On the same day, Christianna Barnhart also met with Travis Litman from Commissioner Rosenworcel’s office to discuss the same. Additionally, on February 5, 2018, Elizabeth Andrion, Christianna Barnhart, Audrey Connors and Adam Falk, also of Charter, met with the Wireline Competition Bureau to discuss the proceedings captioned above.

During the meetings, we discussed pole attachment reform, which has been the subject of debate for the Broadband Deployment Advisory Committee and in the Wireline Infrastructure proceeding. We explained that Charter is uniquely positioned to discuss pole attachment reform as both an existing attacher and a new attacher, and described some of the extensive damage Charter has suffered as an existing attacher. With significant investments at stake in our current facilities, as well as plans for significant additional buildout of our facilities, we understand well the challenges of balancing the interests of new attachers seeking to deploy broadband networks against the interests of property owners. Accordingly, we proposed the following balanced reforms to the pole attachment rules: (1) a reasonable 30-day advance notice period to give existing attachers the opportunity to move their equipment, (2) a requirement that, if existing attachers were unable to move their equipment within that 30 days, new attachers could use contractors on an existing attachers’ list of approved contractors to do any make-ready work, and (3) time for an existing attacher to inspect the make-ready work that was done and (4) indemnification by the new attacher for any damages.

We also discussed the fact that, when building out its network, Charter has often suffered from significant delays in getting access to utility poles. We offered a number of proposals to improve the pole attachment process, which are summarized in the attached document. The proposals seek to improve and streamline the pole attachment process through rules that would encourage application transparency, create reasonable deadlines to complete pre-construction surveys and make-ready estimates, expand the use of pre-approved contractors, and facilitate attachments on jointly-owned poles.

Please contact me if you have any questions regarding these matters.

Sincerely,

/s/ *Elizabeth Andrion*

Elizabeth Andrion

Attachment

cc: Claude Aiken  
 Amy Bender

Adam Copeland  
 Lisa Hone

Paul LaFontaine

Travis Litman

Kris Monteith

Deborah Salons

Jay Schwarz

Jamie Susskind

Mike Ray

**CHARTER’S POLE ATTACHMENT REFORM PROPOSALS**

**The Commission should require utilities to provide more information on the status of the pole attachment applications process and create timelines for applications to be deemed granted.**

New rules could require pole owners to:

* + Inform applicants within 5 days that their application is complete.
  + Post individual charges for rents, surveys, make ready and post construction notices.
  + Confirm all denials of applications within 15 days, and if an application is denied, provide the reason why and offer an opportunity to cure the application’s deficiencies.
  + Promptly respond to inquiries from the applicant regarding the status of the application and related work.
  + Prioritize applications that attachers identify as necessary to move forward with projects needed to complete build-out commitments.

**The Commission should adopt deadlines for utilities to complete make ready estimates and to complete pre-construction surveys. The Commission should also adopt rules to expand the use of pre-approved contractors to complete pole owner work.**

New rules could require pole owners to:

* Utilize a pole attachment application that requires applicants to submit only the information reasonably necessary for the application process.
* Process pole attachment applications and perform pre-construction surveys within 30 days (rather than the current 45-day deadline).
* Provide the requesting entity with an estimate of make-ready charges within 7 days of completing the pre-construction survey (rather than the current 14-day deadline).
* Maintain a sufficient list of pre-approved contractors that an attacher could select from to conduct pre-construction survey work and allow attachers to use their own contractors when owners fail to provide a list.
* Allow an attacher to use its own qualified contractors if a utility fails to maintain a list of pre-approved contractors.
* Refund application fees when the attacher retains contractors to perform pre-construction surveys due to the pole owner’s inability to do so in a timely manner.
* Completely fulfill access requests for applications of 30 or fewer poles within 30 days of a request made by the attaching entity.
* Allow requesting attachers to utilize NESC-compliant temporary attachment methods when the utility does not meet its deadlines.
* Notify new attachers that make ready work is complete within three days of completion.

**The Commission should reaffirm its pole attachment policies to ensure that utilities do not impose unlawful burdens on attaching entities that will delay the deployment of broadband infrastructure.**  
Specifically, the Commission should:

* + Restate precedent that prevents pole owners from requiring payment before pre-construction surveys are performed.
  + Restate that a pole owner may not require an attacher to correct preexisting violations of other attachers or the pole owner as a condition of access.
  + Reaffirm that cable operators have the right to access any compatible easement within their franchise areas, including those used by a utility.
  + Clarify that the NESC guidelines do not require attachers to retrofit their existing compliant plants in order to comply with updated codes.

**The Commission should adopt rules to facilitate pole attachments on jointly-owned poles.**

New rules could require joint owners to**:**

* Process pole attachment applications and perform pre-construction surveys concurrently with any joint pole owners.
* Use the same contractor for pre-construction surveys and, if possible, make-ready work.
* Allow a requesting entity to use an approved contractor to perform preconstruction surveys in the electric and communications space at the same time when pre-construction surveys have not been conducted by either utility in a timely manner.