



March 15, 2019

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Notice of Ex Parte

Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79; Accelerating Broadband Deployment, Broadband Deployment Advisory Committee, GN Docket No. 17-83; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; In the Matter of Connect America Fund, ETC Annual Reports and Certifications, Establishing Just and Reasonable Rate for Local Exchange Carriers, Developing a Unified Intercarrier Compensation Regime, WC Docket Nos. 10-90, 14-58, 07-135 and CC Docket No. 01-92

On March 13, 2018, the undersigned, along with the following individuals, met with Kirk Burgee, Adam Copeland, Daniel Kahn and Jesse Jachman of the Wireline Competition Bureau:

- Angelina Panettieri, National League of Cities
- Stephanie Piko, Mayor, City of Centennial, CO
- John Fogle, Councilmember, City of Loveland, CO
- Corina Lopez, Vice Mayor, City of San Leandro, CA
- Benny Lee, Councilmember, City of San Leandro, CA
- Victor Aguilar, Jr., Councilmember, City of San Leandro, CA
- Jeff Kay, City Manager, City of San Leandro, CA
- Andy Huckaba, Councilmember, City of Lenexa, KS
- Jesse Barlow, Councilmember, City of State College, PA
- Mike Lynch, NATOA's Board President and Director of the City of Boston's Broadband and Cable in the Department of Innovation and Technology
- Karen George, NATOA Board Member and Executive Director of the Quad Cities Cable Communications Commission
- Dan Cohen, NATOA Board Member and Attorney and Founder of the Cohen Law Group
- Gerard Lederer, Best Best & Krieger LLP, outside counsel for the City of Boston

During the meeting, we discussed the need for the Commission to continually re-evaluate the appropriate broadband speed requirements for service to rural areas by carriers receiving

federal support, including upload speeds sufficient to enable businesses and remote workers to function effectively.

We also discussed concerns with filings in several of the above-referenced dockets asking the Commission to extend to wireline providers the interpretation of Section 253 set forth in the September 27, 2018 Declaratory Ruling and Third Report and Order, FCC 18-133 (“Order”). The reasoning of the Order is based on the Commission’s findings regarding the unique characteristics and economics of small wireless facilities deployment, which does not apply to wireline facilities. Given this distinction and the ongoing legal challenges to the Order, we expressed our view that this request should be rejected.

Further, a request was made that the Commission act on the pending Petitions for Reconsideration of the Order as well as the August 3, 2018 Third Report and Order and Declaratory Ruling, FCC 18-111, as failure to act on the petitions in a timely manner is serving to delay the 9th Circuit’s ability to review the legal soundness of these orders.

We also discussed the second term of the Broadband Deployment Advisory Committee and the recent announcement that the Commission is accepting applications for a newly formed working group to address broadband deployment to low income areas.

Pursuant to Section 1.1206(b) of the Commission’s rules, a copy of this letter is being electronically submitted in the record of these proceedings and provided to the Bureau participants. Please do not hesitate to contact the undersigned with any questions.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Nancy Werner', with a long horizontal flourish extending to the right.

Nancy Werner
General Counsel
NATOA

cc: Kirk Burgee
Adam Copeland
Daniel Kahn
Jesse Jachman