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March 19, 2018

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Re: Ex Parte Notice
WC Docket No. 17-84

Dear Ms. Dortch:

On March 15, 2018, Mike Tautphaeus (Joint Use Manager, Ameren Missouri), Bob Hamric (Line Clearance & Construction Services Manager, Tampa Electric), George Cox (Construction Services Supervisor, Tampa Electric), Allen Bell (Distribution Support Manager, Georgia Power), Natalie Beasman (Senior Counsel, Georgia Power) and I met with Jay Schwarz (Chairman Pai's Wireline Advisor) in connection with the above-referenced docket. The same day, we also met separately with Amy Bender (Commissioner O'Rielly's Legal Advisor, Wireline), though Mr. Hamric did not participate in this meeting.

During both meetings, we discussed the need for regulatory policies that encourage and incentivize cooperation and innovation with respect to deployment of the next generation of advanced communications infrastructure. We suggested that "more of the same" type of heavy-handed regulations (demanding that providers of pole space create more product, at a faster rate, and at a lower cost) will not yield creative, innovative or cooperative deployment solutions. We made clear that if the Commission is actually focused on facilitating improvements in deployment solutions, it should turn away from the approaches of the past. According to many attaching entity commenters (and as the Commission itself suggested in its initial NPRM), the approaches of the past are insufficient to meet the needs of the next generation of advanced communications infrastructure. "More of the same" will not yield markedly different results.

We also explained the need for advance notice of overloading, in order to properly engineer the new load on the pole. We explained, using the photograph attached hereto from Tampa Electric's system, that overloading is not a "one time" thing on a single messenger strand. Instead, multiple attaching entities seek to overload on multiple different occasions. The cumulative effect of the increased bundle size, along with the increase in the size of individual fiber cables, creates wind and ice loading issues. We also explained, using the chart attached hereto, that 8 of the 9 state

public utility commissions to address this issue in the past 10 years have adopted some form of permitting or advance notice requirement for overloading. We asked the Commission to make clear, either through a policy statement or a new rule, that advance notice of overloading is a reasonable term/condition in pole attachment contracts. We also suggested that existing rule 1.1403(b) should serve as the presumptively reasonable time period for advance notice.

We also reiterated our support for one-touch make-ready in the communications space. The major bottleneck in the pole access process is the existing, sequential make-ready process in the communications space. We explained that the best opportunity for expediting broadband deployment without sacrificing infrastructure reliability is by streamlining the communications space make-ready process. We highlighted data from Tampa Electric demonstrating that the average time for completion of communications space make-ready was 278 days. On the other hand, Tampa Electric's data showed that the average time for more complicated electric make-ready was only 55 days. The problem is communications space make-ready—not electric make-ready. We also highlighted data from our comments indicating that more than 80% of make-ready poles require communications space make-ready only (in other words, no electric space make-ready). The solution should focus on the problem. We noted that the three governmental entities who have adopted one-touch make-ready laws (Louisville, Nashville and West Virginia) have all excluded the power supply space and electric facilities from one-touch make-ready. We also informed Mr. Schwarz and Ms. Bender that our group would be proposing language for a one-touch make-ready rule, consistent with the principles outlined in our comments.

This ex parte notice is being filed electronically in the above-referenced docket pursuant to section 1.1206(b) of the Commission's rules.

Very Truly Yours,

/s/Eric B. Langley

Eric B. Langley

EBL/lk

Enclosures

cc: Jay Schwarz (jay.schwarz@fcc.gov)
Amy Bender (amy.bender@fcc.gov)