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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 Travis Litman (Commissioner Rosenworcel's Chief of Staff and Senior Legal Advisor, Wireline and Public Safety) in connection with the above-referenced docket.

During the meeting, we explained the need for advance notice of overlashing, in order to properly engineer the new load on the pole. We explained, using the photograph attached hereto from Tampa Electric's system, that overlashing is not a "one time" thing on a single messenger strand. Instead, multiple attaching entities seek to overlash 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 within the past 10 years have adopted some form of permitting or advance notice requirement for overlashing. We asked the Commission to make clear, either through a policy statement or a new rule, that advance notice of overlashing 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 briefly discussed strand-mounted antennas. We explained that the volumetric permissibility sought and obtained by the wireless industry in numerous state legislatures is an indicator of how the wireless industry intends to impact distribution pole lines. As such, we urged the Commission to avoid adopting any rules that short-cut the engineering process or timeline for such novel and variable facilities.

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 that 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. Litman that our group would be proposing language for a one-touch make-ready rule, consistent with the principles outlined in our comments.

We also briefly discussed the unique and varied infrastructure cost-sharing agreements between ILECs and electric utilities and explained why these relationships are not suited to a "one size fits all" pole attachment rate approach as proposed in the initial NPRM. We noted that our position was not a novel one—it is the same conclusion the Commission reached in its 2011 order on pole attachments, based on a robust record. We also briefly addressed US Telecom's November 21, 2017 ex parte "report." We explained that the report not only failed to address the critical issue of the varied forms of consideration within joint use agreements (instead focusing solely on the recurring adjustment payments), but also drew an irrelevant comparison between the adjustment rates paid by ILECs to electric utilities and the rates paid by CATVs to ILECs. We told Mr. Litman that we intended to respond to US Telecom's submission in writing in the not-too-distant future.

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: Travis Litman (travis.litman@fcc.gov)