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*Via Electronic Filing*

*Ex Parte Communication*

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Portals II, Room TW-A325  
Washington, DC 20554

**Re:** *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Broadband Deployment Advisory Committee, GN Docket No. 17-83.*

Dear Ms. Dortch:

On April 5, 2018, Frank Simone, Vice President-Federal Regulatory, and the undersigned, of AT&T, met with Jay Schwarz, Wireline Advisor to Chairman Pai. The purpose of the meeting was to discuss recent filings by parties about proposed one-touch make ready procedures. AT&T's remarks were consistent with the attached presentation, and with its *ex parte* letter dated March 26, 2018.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

/s/ Ola Oyefusi

cc: J. Schwarz

**AT&T**

# Pole Attachment

## Pole Attachment Timeline and OTMR

**WC Docket 17-84**



# Pole Attachment & OTMR Discussion

## Pole Attachment Timeline:

- Although recent debate has centered on OTMR, AT&T has presented in the record a comprehensive pole attachment proposal that reduces the pole attachment timeline by up to 29 days.

## One-Touch Make-Ready (OTMR):

- *OTMR for Routine Transfers.* AT&T has consistently supported OTMR for simple (routine) transfers.\*\* Routine moves are the majority of all transfers: ≈80% based on AT&T's experience.
- *Routine vs. Complex Transfers.* AT&T encourages the FCC to adopt the BDAC findings that OTMR applies to routine transfers only, and that existing attachers should be given the first opportunity to handle complex transfers and manage/minimize impact of any service outage.
- *Complex Transfers by Existing Attachers.* Regardless of whether called self-help or OTMR, there is a growing acceptance that existing attachers should be given time to move their own complex transfers and if they don't, the new attacher can move them — no need for contention on these points.
  - AT&T & BDAC: OTMR does not apply to complex transfers, but new attachers can self-help after the existing attacher's move period has expired.
  - Google: OTMR for complex transfers, but existing attachers can move their own facilities.
  - Verizon: OTMR applies to complex transfers, but only after "a longer notice period."

\*\*except where CBA requires that union employees move the existing attacher's cable, the timeline will be coordinated with the new attacher to confirm when the transfer occurs during the 60-day make ready period, if not performed within the make ready period the new attacher can exercise self help using pre-approved contractor.



# Pole Attachment & OTMR Discussion

## OTMR cont:

- *No consensus on the time period that is reasonable for existing attachers to perform complex transfers.*
  - AT&T: 60 days per current regulation--allows time to move critical circuits and take action to avoid/minimize impact of interruption where possible. [Note: complex moves are approx. 20% of all transfers, and can be lower if existing attachers have sufficient time to find alternative options.]
  - BDAC: up to 60-days [30-days + 30-days]
  - Google: 30-days
  - Verizon: “longer notice period” only
- *Debate over who determines if a transfer is simple vs. complex – Existing or New attacher?:* Parties agree clear definition is necessary – it shouldn’t matter if defined.
  - Recent filings reveal consensus (BDAC, AT&T, VZ, Google) that complex should be defined as: transfers reasonably likely to cause an outage [e.g. cable splicing or move of wireless equipment].
  - FCC should make the debate moot by adopting this objective definition – when parties follow FCC’s adopted definition there should be less disagreement about who identifies simple vs. complex transfer.
- *Indemnification:* AT&T believes existing attachers and pole owners should be indemnified for damages/outages caused by new attachers or their contractor; other parties want to limit indemnification to property damage at the pole.
- *Collective Bargaining Agreement:* AT&T continues to believe the OTMR process can be coordinated while honoring the CBAs existing attachers negotiated with their union workers.



# Pole Attachment & OTMR Discussion

## Summary of Recent OTMR Proposals

	AT&T	VZ	Google	BDAC
<b>Simple (Routine) Transfer</b>	Yes	Yes	Yes	Yes
<b>Performed by pre-approved contractors (when permitted)</b>	Yes	Yes	Yes	Yes
<b>Complex Transfer - Existing attacher performs first (within a reasonable time)</b>	Yes	Not specific*	Yes	Yes
<b>Reasonable Amount of Time before new attacher performs complex transfers</b>	60 days	Not specific "longer notice period"	30 days	Up to 60 days [30+30]
<b>Self-Help after Reasonable Time</b>	Yes	Yes	Yes	Yes
<b>New attacher indemnifies all parties</b>	Yes	Yes, but only for damage to facilities and not for third party claims.	Yes, but only for damage to facilities and not for third party claims.	Yes, but only for damage to facilities and not for third party claims.
<b>Make Ready Transfer Performed by union employee where CBA present</b>	Yes	No	No	No

\* VZ suggests a “slightly longer notice period before a contractor performs complex OTMR.” A reasonably long notice period would allow existing attachers to perform their own complex transfers before the approved contractor performs OTMR.

