

April 11, 2017

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

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


Dear Ms. Dortch:

On April 10, 2017, John Burchett of Google Fiber, Inc. and Julie Veach and the undersigned, both of Harris, Wiltshire & Grannis LLP, met with Madeleine Findley, Daniel Kahn, Terri Natoli, Michael Ray, Deborah Salons, and, by teleconference, Adam Copeland, all of the Wireline Competition Bureau, to discuss the public draft Notice of Proposed Rulemaking released in advance of the April Open Meeting. Separately, Julie Veach spoke by telephone with Dr. Jay Schwarz, Acting Wireline Advisor to Chairman Pai. We noted that Google Fiber is pleased the Commission is taking up the issue of pole attachment timing, but pointed out that the public draft inaccurately characterizes the current rules governing the timing of make-ready work. Google Fiber proposed a handful of minor edits to the public draft, as set forth in the attached document.

Google Fiber also briefly responded to questions from Bureau staff related to sequential performance of make-ready work and to make-ready charges.

Google Fiber appreciates the opportunity to discuss its proposed changes. Please do not hesitate to contact me with any questions.

Sincerely,



Kristine Laudadio Devine  
*Counsel to Google Fiber, Inc.*

Attachment

Cc: Jay Schwarz  
Madeleine Findley  
Daniel Kahn  
Terri Natoli  
Adam Copeland  
Michael Ray  
Deborah Salons

**Google Fiber, Inc.**

April 10, 2017

*Accelerating Broadband Deployment by Removing Barriers to Infrastructure Investment,*  
Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment

WC Docket No. 17-84

**47 C.F.R. § 1.1420(e). Timeline for access to utility poles:**

...

(e) Make-ready. Upon receipt of payment specified in paragraph (d)(2) of this section, **a utility shall notify** immediately and in writing all known entities with existing attachments that may be affected by the make-ready.

(1) For attachments in the communications space, the notice shall:

...

(ii) **Set a date for completion of make-ready that is no later than 60 days** after notification is sent (or 105 days in the case of larger orders, as described in paragraph (g) of this section).

...

(iv) State that the utility may assert its right to 15 additional days to complete make-ready.

**Public Draft Text:**

**1. Speeding Access to Poles**

\* \* \* \* \*

**a. Speeding the Current Commission Pole Attachment Timeline**

7. We seek comment on potential reforms to the various steps of the Commission’s current pole attachment timeline to facilitate timely access to poles. Access to poles, including the preparation of poles for new attachments, must be timely in order to constitute just and reasonable access under Section 224 of the Act.<sup>11</sup> The Commission’s current four-stage timeline for wireline and wireless requests to access the “communications space” on utility poles, adopted in 2011, provides for periods that do not exceed: application review and engineering survey (45 days), cost estimate (14 days), attacher acceptance (14 days), and make-ready (60-75 days).<sup>12</sup> It also allows timeline modifications for wireless attachments above the communications space and for large requests.<sup>13</sup>

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11. *Make-Ready.* We also seek comment on approaches to shorten the make-ready work timeframe. The Commission currently requires that utilities give existing attachers ~~be given~~ a period not to exceed 60 days after the make-ready notice is sent to complete work on their equipment in the communications space of a pole.<sup>19</sup> In adopting a 60-day maximum period for existing attachers to complete make-ready work, the *2011 Pole Attachment Order* recommended as a “best practice” a make-ready period of 30 days or less for small pole attachment requests and 45 days for medium-size requests.<sup>20</sup> . . . .

12. In addition, the Commission has adopted longer maximum periods for existing attachers and utilities to complete make-ready work in the case of large pole attachment orders (an additional 45 days) and in the case of wireless attachments above the communications space (a total of up to 90 days for such attachments or up to 135 days in the case of large wireless attachment orders).<sup>23</sup> . . . .

**b. Alternative Pole Attachment Processes**

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14. *Use of Utility-Approved Contractors to Perform Make-Ready Work.* We seek comment on whether the Commission should adopt rules that would allow new attachers to use utility-approved contractors to perform “routine” make-ready work and also to perform “complex” make-ready work (i.e., make-ready work that reasonably would be expected to cause a customer outage) in situations where an existing attacher fails to do so. Under the Commission’s current pole attachment timeline, utilities may allow existing attachers ~~can take~~ up to 60 days to complete make-ready work on their equipment in the communications space and utilities have the right to ask for an additional 15 days to complete the work when the existing attacher fails to do so.<sup>24</sup> Only after that ~~75-day~~ period of up to 75 days has run, and neither the existing attachers nor the utilities have met their deadlines, can new attachers begin to perform make-ready work using utility-approved contractors. . . .