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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:

AT&T has advocated for a reasonable timeframe for an existing attacher to perform a complex transfer and a self-help remedy for a new attacher when an existing attacher fails to move its facilities within the reasonable timeframe.¹ If multiple existing attachers fail to move their facilities within the reasonable timeframe, the new attacher could invoke its self-help remedy using a one-touch make-ready process. This date-certain self-help remedy provides an incentive for existing attachers to coordinate with the pole owner, new attacher, and other existing attachers, regardless of whether the new attacher is a competitor.

Nevertheless, some commenters argue that make-ready is controlled by existing attachers and that substantial coordination among all existing attachers and the pole owner makes it difficult to complete make-ready within a reasonable time.² The self-help remedy referenced above minimizes the extent of this problem, but the Federal Communications Commission (the "Commission") can further improve the make-ready process and minimize the frequency that self-help is needed by explicitly appointing the new attacher as "project manager" of the make-ready process. As "project manager", the new attacher would coordinate the timing of transfers with all parties to ensure all make-ready identified as necessary by the pole owner is completed as expeditiously as possible. Naming the new attacher as the project manager removes the pole owner as the middle man and puts the new attacher in the driver's seat to

¹ See, e.g., Letter from Ola Oyefusi, Director-Federal Regulatory, AT&T Services, Inc., to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 17-84 (filed Jan. 22, 2018); Letter from Ola Oyefusi, Director-Federal Regulatory, AT&T Services, Inc., to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 17-84, at 1 (filed April 9, 2018).

² See, e.g., Letter from Kristine Laudadio Devine, Counsel to Google Fiber, Inc., to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 17-84, at 3-4 (filed Feb. 1, 2018); Letter from Kristine Laudadio Devine, Counsel to Google Fiber, Inc., to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 17-84 (filed April 12, 2018).

coordinate all moves. If existing attachers fail to cooperate with the new attacher, the new attacher can perform all complex transfers that were not performed within the reasonable timeframe.

The Commission has previously acknowledged that pole owners need not actively manage and coordinate make-ready to comply with their access obligations under Section 224(f)(1).³ Indeed, as a pole owner, AT&T does not want to actively manage or coordinate the make-ready process for a new attacher's facilities and is agreeable to hand that responsibility to the new attacher. In AT&T's experience, make-ready runs more smoothly and can be accelerated when a new attacher takes an active role in assisting with coordination of make-ready with existing attachers. Adopting a rule that appoints the new attacher to serve this role would also clarify responsibilities, eliminate confusion in the sequence of transfers that could lead to delays, and make the party with the most to gain responsible for managing the process from start to finish. Pole owners would still notify existing attachers if they intend to perform make-ready work on the pole;⁴ that notice could identify the new attacher as the "project manager" for all applicable make-ready work for the project at issue.

Pursuant to Section 1.1206 of the Commission's rules, an electronic copy of this letter is being filed for inclusion in this docket.

Sincerely,

/s/ Ola Oyefusi

cc: K. Monteith
L. Hone
A. Copeland

³ Report and Order and Order on Reconsideration, *Implementation of Section 224 of the Act, A National Broadband Plan for Our Future*, FCC 11-50, WC Docket No. 07-245, GN Docket No. 09-51, 26 FCC Rcd 5240, 5259 (2011)

⁴ 47 U.S.C. §224(h).