

July 17, 2019

VIA ECFS

NOTICE OF EX PARTE

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

**Re: *Accelerating Wireless Broadband Deployment by Removing Barriers to
Infrastructure Investment, WT Docket No. 17-79; Accelerating Wireline Broadband
Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-
84***

Dear Ms. Dortch:

On July 15, 2019, Ted Gilliam, General Counsel, Western U.S. and Strategic Networks, Zayo Group, LLC (“Zayo”), and the undersigned met separately with Aaron Goldberger, Legal Advisor to Chairman Pai, and Will Adams, Legal Advisor to Commissioner Carr. During the meeting, Mr. Gilliam explained that many local and state governments condition Zayo’s access to public rights of way for the purpose of deploying wireline facilities on the payment of above-cost and discriminatory access fees as well as on compliance with ambiguous in-kind contribution requirements. Mr. Gilliam explained that Zayo and other wireline service providers deliver critically important backhaul functions for wireless networks and that above-cost, discriminatory, and ambiguous state and local right of way access requirements divert finite financial and human resources away from network deployment and slow the deployment of 5G networks. Mr. Gilliam asserted that, as a result, the Commission should clarify that the Declaratory Ruling¹ adopted in the above-referenced proceeding applies equally to wireline facilities and Small Wireless Facilities.

¹ See *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd. 9088, ¶¶ 30-102 (2018).

Marlene H. Dortch

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Please contact the undersigned with questions or concerns about this submission.

Respectfully submitted,

/s/ Thomas Jones

Thomas Jones

Counsel for Zayo Group, LLC

cc: Will Adams
Aaron Goldberger