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July 23, 2018

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th 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 July 19, 2018, John Burchett of Google Fiber Inc., and Julie Veach and I, both of Harris, Wiltshire & Grannis LLP, met with Jay Schwarz and Kevin Costello of Chairman Pai's office, Erin McGrath of Commissioner O'Rielly's office, Jamie Susskind of Commissioner Carr's office, and Kate Black and Betsy McIntyre of Commissioner Rosenworcel's office, to discuss the draft order in the above-captioned proceeding.

Google Fiber expressed its support for the draft item, and noted it was pleased that Chairman Pai has proposed to adopt robust one-touch make-ready rules. Google Fiber believes that the draft order and new rules adopt requirements that align incentives as between pole owners, existing attachers, and new attachers to speed new deployment and increase safety.¹

Google Fiber supports the draft item without any changes and noted that it believed the item is consistent with the recommendations proposed by the BDAC in January, particularly with respect to the question of indemnification. Google Fiber agrees with the item's conclusion that mandatory indemnification is unnecessary because existing attachers have sufficient recourse under state law. Google Fiber also reiterated that mandatory indemnification will increase new providers' risk profile to the extent that new deployments will be threatened.

¹ As the Commission noted in *Restoring Internet Freedom*, pole attachment access is critical to infrastructure investment and broadband deployment, and this item reflects the commitment articulated in that order to "remove barriers to broadband deployment." *Restoring Internet Freedom*, Declaratory Ruling, Report and Order, and Order 33 FCC Rcd. 311, 424 ¶ 186 (2018).

Google Fiber suggested one clarifying point that it believes may be beneficial—namely, an express description of the costs of existing attachers for which new attachers are responsible. A clear statement of what parties are responsible for what costs will reduce disputes and, therefore, delays. Google Fiber believes that it is appropriate for new attachers to be responsible for the cost of existing attachers’ inspection of completed make-ready, as well as repair of any damage.² But the item does not specify that new attachers will not be responsible for existing attachers’ “elective” costs—that is, their costs to attend the joint survey or be present when make-ready is performed.³ Clarifying this division of costs will reduce disputes.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Devine', with a stylized flourish at the end.

Kristine Laudadio Devine
Counsel to Google Fiber Inc.

Cc: Kate Black
Kevin Costello
Erin McGrath
Betsy McIntyre
Jay Schwarz
Jamie Susskind

² See *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Third Report and Order and Declaratory Ruling, WC Docket No. 17-84, WT Docket No. 17-79, ¶ 65 and App. A § 1.142(j)(3)(ii) (draft order, rel. July 12, 2018).

³ *Id.* ¶¶ 27, 49, 61 and App. A, §§ 1.1412(j)(3)(i), (4)(i).