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July 23, 2018

VIA ECFS

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 20, 2018, the undersigned and Matthew Brill of Latham & Watkins LLP, on behalf of Comcast Corporation (“Comcast”), spoke with Matthew Berry, Chief of Staff to Chairman Pai, and with Tom Johnson, General Counsel of the Commission, regarding the above-referenced proceeding. We expressed concern regarding paragraph 13 of the draft Third Report and Order and Declaratory Ruling recently released in this proceeding.¹ As currently drafted, this passage would seem to encourage states to act outside the rules the Commission is adopting. This language is entirely unnecessary, given the availability of reverse preemption under Section 224(c) as a vehicle for states to adopt their own pole attachment regimes within the bounds of that subsection. It is also unwise, as it could embolden non-certified states to consider measures that potentially would conflict with—or at least create tension with—federal law and policy. We therefore recommended that the language be deleted or revised to account for this concern.

Pursuant to Section 1.1206(b) of the Commission’s rules, 47 C.F.R. § 1.1206(b), this *ex parte* notification is being filed for inclusion in the public record of the above-referenced proceeding.

¹ See FCC Fact Sheet, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Draft Third Report and Order, WC Docket No. 17-84, ¶ 13 (rel. Jul. 12, 2018), available at <https://docs.fcc.gov/public/attachments/DOC-352544A1.pdf>.

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Please contact the undersigned with any questions regarding these issues.

Respectfully submitted,

/s/ Matthew T. Murchison

Matthew T. Murchison
of LATHAM & WATKINS LLP
Counsel for Comcast

cc: Matthew Berry
Tom Johnson