

July 25, 2018

**Via Electronic Filing**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth St., S.W.  
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation: *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84; *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79.**

Dear Ms. Dortch:

On July 23, 2018, I met separately with Betsy McIntyre, of Commissioner Rosenworcel's office, and with Jamie Susskind, Chief of Staff for Commissioner Carr. On July 24th, I met with Erin McGrath, Legal Advisor, Wireless, Public Safety and International for Commissioner O'Rielly. Each meeting served to discuss the Commission's draft *Third Report and Order* in the proceeding referenced above.<sup>1</sup> CCIA applauds the Commission's efforts to promote a "one-touch make-ready" (OTMR) policy. CCIA has long advocated for promoting such policies, including in Comments in this proceeding.<sup>2</sup> In all three meetings, I discussed the arguments outlined in CCIA's Comments about how OTMR will remove barriers to deployment, reduce costs, and that "OTMR should be presented as an option for new attachers, so they can decide for themselves whether they want to pursue that solution or not."<sup>3</sup> This draft *R&O* will do just that.

CCIA applauds the Commission for pursuing this policy in a balanced manner, which reflects the input of all stakeholders, including those of pole owners and existing attachers. I expressed CCIA's concerns regarding the efforts of some stakeholders, who throughout this proceeding, have attempted to chip away at aspects of this policy.<sup>4</sup> For example, NCTA – The

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<sup>1</sup> *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment and Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Draft Third Report and Order and Declaratory Ruling, WC Docket No. 17-84, WT Docket No. 17-79 (rel. July 12, 2018) ("*Draft R&O*").

<sup>2</sup> Comments of CCIA at 16-18, WT Docket No. 17-79, WC Docket No. 17-84 (filed June 15, 2017).

<sup>3</sup> *Id.* at 17.

<sup>4</sup> See Comments of NCTA – The Internet & Television Association, WT Docket No. 17-79, WC Docket No. 17-84 (filed June 15, 2017); Notice of *Ex Parte* Presentation of NCTA – The Internet & Television Association, WC Docket No. 17-84, WT Docket No. 17-79 (filed July 12, 2018) [hereinafter *NCTA July 12th Ex Parte*]; Notice of *Ex Parte* of NCTA – The Internet & Television Association, WC Docket No. 17-84, WT Docket No. 17-79 (filed July 18, 2018) [hereinafter *NCTA July 18th Ex Parte*]; Notice of *Ex Parte* of NCTA – The Internet & Television Association, WC Docket No. 17-84, WT Docket No. 17-79 (filed July 23, 2018) (meeting with Jay Schwarz and Kevin Costello of Chairman Pai's office) [hereinafter *NCTA July 23rd Pai Office Ex Parte*]; Notice of *Ex Parte* of NCTA – The Internet & Television Association, WC Docket No. 17-84, WT Docket No. 17-79 (filed July 23, 2018)

Internet & Television Association, has continued its calls for its “Accelerated and Safe Access to Poles” (“ASAP”) regime,<sup>5</sup> which the Commission has correctly rejected outright in the draft *R&O* along with Comcast’s “right-touch make-ready” (RTMR) proposal.<sup>6</sup> The Commission is correct that these proposals “merely modify the current framework rather than using OTMR . . .” and that “these approaches have much more limited benefits because they rely on diffuse responsibility among parties that lack the new attacher’s incentive to ensure that the work is done quickly, cost-effectively, and properly.”<sup>7</sup>

I also expressed CCIA’s disagreement with additional arguments made by NCTA. NCTA claims that “[t]he fundamental problem is that the draft item would require that existing attachers surrender complete control over work on, and relocation of, their networks to a new attacher, but not require the new attacher to take complete responsibility for its work.”<sup>8</sup> On the contrary, the draft *R&O* would require that new attachers provide advance notice to existing attachers and pole owners, and existing attachers and pole owners can be present during make ready work.<sup>9</sup> Furthermore, despite NCTA’s claims that “the draft actually provides no meaningful vehicle for stopping problems before they occur, escalating disputes while they are in progress, or obtaining relief from the operational and financial issues that routinely and will inevitably arise”,<sup>10</sup> existing attachers and pole owners can inspect and request corrective measures.<sup>11</sup> CCIA urges the Commission to resist these efforts and maintain its focus on achieving the goals of the OTMR policy as outlined in the draft *R&O*: speeding access to poles, reducing costs and timelines, and promoting competition. Similarly, I encouraged revisiting ¶ 142 of the draft *R&O* to ensure that providers will not lose the flexibility to choose the right technologies for deployments.

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(meeting with Betsy McIntyre of Commissioner Rosenworcel’s office) [hereinafter *NCTA July 23rd Rosenworcel Office Ex Parte*].

<sup>5</sup> See Notice of *Ex Parte* of NCTA – The Internet & Television Association, WC Docket No. 17-84 (filed Mar. 5, 2018); see also *NCTA July 12th Ex Parte* (“We identified three particular concerns with these extreme OTMR proposals and explained how NCTA’s Accelerated and Safe Access to Poles (ASAP) Proposal remedies these concerns”); *NCTA July 18th Ex Parte* (“The better and non-discriminatory approach is for existing attachers to be given the opportunity to move and protect their own networks in an expedited time frame, as proposed by NCTA”); *NCTA July 23rd Pai Office Ex Parte* (same); *NCTA July 23rd Rosenworcel Office Ex Parte* (same).

<sup>6</sup> See *Draft R&O* at ¶ 30 (“We reject proposals advanced in the record to reform the pole attachment timeline—specifically, ‘right-touch, make-ready’ and NCTA’s ‘Accelerated and Safe Access to Poles’ (‘ASAP’) proposal—which merely modify the current framework rather than using OTMR.”); see also Reply Comments of Comcast at 10-11, WT Docket No. 17-79, WC Docket No. 17-84 (filed June 15, 2017).

<sup>7</sup> *Id.*; cf. CCIA Comments at 18 (“RTMR does not solve the problem where incumbents have the incentive to draw out the process and prevent competitors from attaching, especially if the penalty is \$500 per month cited by the Commission.”).

<sup>8</sup> *NCTA July 18th Ex Parte*.

<sup>9</sup> *Draft R&O* at ¶ 27.

<sup>10</sup> *NCTA July 18th Ex Parte*.

<sup>11</sup> *Draft R&O* at ¶ 27.

CCIA appreciates the Commission's efforts in the draft *R&O* to continue its work from the *Wireless* and *Wireline NPRMs*<sup>12</sup> and the *Wireless Infrastructure Order*<sup>13</sup> to institute reforms and to promote the deployment of next generation 5G networks.

This letter is provided to your office in accordance with Section 1.1206 of the Commission's rules.

Respectfully submitted,

/s/ John A. Howes, Jr.

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<sup>12</sup> Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, *Notice of Proposed Rulemaking and Notice of Inquiry*, WT Docket No. 17-79 (“*Wireless NPRM*”) (rel. Apr. 21, 2017); Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, *Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment*, WC Docket No. 17-84 (“*Wireline NPRM*”) (rel. Apr. 21, 2017).

<sup>13</sup> *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Second Report and Order, WT Docket No. 17-79 (rel. Mar. 30, 2018).