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July 26, 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 26, 2018, the undersigned of Comcast Corporation (“Comcast”) met with Jay Schwarz of the Office of Chairman Pai, Erin McGrath of the Office of Commissioner O’Rielly, Jamie Susskind of the Office of Commissioner Carr, and Betsy McIntyre of the Office of Commissioner Rosenworcel, regarding the above-referenced proceeding.

At these meetings, I urged the Commission to consider revisions to the draft Third Report and Order to minimize disruption to existing networks under the item’s one-touch make-ready framework for pole attachments.¹ In particular, I recommended that the Commission revise the discussion in paragraph 62 to make clear that an existing attacher is permitted to manage and make modifications to its own facilities during any advance notice period (even if it is prohibited from performing reimbursable make-ready work for third parties during that period).² I also recommended that, consistent with Google Fiber’s recent submission in the record, in the event that a new attacher’s make-ready work damages an existing attacher’s equipment or causes a service disruption, the new attacher should be required immediately to cease performing make-ready and to notify the existing attacher.³ The Commission should further specify that, in this scenario, the existing attacher may either (A) complete any necessary remedial work and bill the

¹ See *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Draft Third Report and Order, WC Docket No. 17-84, FCC-CIRC1808-03, ¶ 13 (rel. Jul. 12, 2018), available at <https://docs.fcc.gov/public/attachments/DOC-352544A1.pdf> (“Draft Order”).

² See *id.* ¶ 62.

³ See Letter of Kristine Laudadio Devine, Counsel to Google Fiber, to Marlene Dortch, FCC, WC Docket No. 17-84, at 1-2 (filed July 26, 2018).

new attacher for the reasonable costs related to fixing the damage and restoring service, or (B) require the new attacher to immediately take steps to fix the damage and restore service at its expense. Relatedly, I urged the Commission to adopt a longer timeframe for existing attachers to inspect make-ready work and raise claims about damage to existing networks, and noted that Google Fiber recommended up to a 90-day inspection period.⁴

Finally, in the draft Order's discussion of overlashing, I recommended that the Commission revise the discussion at the end of paragraph 108 to make clear when overlashing may commence in cases where a utility identifies an issue. Specifically, where the item states that "the overlasher must address any identified issues before continuing with the overlash,"⁵ the Commission should clarify that an overlasher may address such issues "either by modifying its proposal or by explaining why, in the overlasher's view, a modification is unnecessary." I explained that, absent such a change, a utility could attempt to deny access indefinitely by imposing its own heightened and idiosyncratic standards for "address[ing]" the issues it raises—thereby establishing precisely the kind of "quasi-pre-approval requirement" that the Commission is expressly seeking to prohibit.⁶

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. Please contact the undersigned with any questions regarding these issues.

Respectfully submitted,

/s/_____

David Don
Vice President, Regulatory Policy
Comcast Corporation

cc: Erin McGrath
Betsy McIntyre
Jay Schwarz
Jamie Susskind

⁴ See *id.* at 2.

⁵ Draft Order ¶ 108.

⁶ *Id.* ¶ 111.