



July 26, 2018

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
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,

TVC Albany, Inc., d/b/a/ FirstLight Fiber¹ (“FirstLight”) hereby submits comments in the above-referenced proceeding. FirstLight supports adoption by the Commission of the reforms outlined in the draft *Third Report and Order*. To enable achievement of the nation’s goals for swift and ubiquitous deployment of 5G wireless and other advanced telecommunications services, broadband providers must have swift, predictable safe, and affordable access to utility poles.

As a practical matter, wireline broadband providers have few if any economic alternatives to attaching to existing utility poles. Accordingly, the Commission’s policies regarding pole access serve as the foundation for reasonable pole access by creating a framework within which pole owner and attachers may negotiate agreements and resolve disputes.

One-Touch Make-Ready

FirstLight supports and urges the Commission to adopt its one-touch make-ready (OTMR) proposal. By giving the attacher the right to undertake simple make-ready work, this framework enables the attacher to timely complete make-ready work and provide service to its customers. A pole owner or other attacher that prefers to undertake its own make-ready may still opt to do so, provided they do so timely. The Commission’s decision to not mandate the OTMR process be available for work above the communications space² is a reasonable, and potentially interim approach to that addresses concerns regarding reliability of electric service and safety of workers and the public.

¹ FirstLight is a leading provider of high speed data, Internet, data center, cloud and voice services to enterprise and carrier customers in New York, New Hampshire, Vermont, Massachusetts and Maine over the Company’s own 14,000 route mile fiber optic network. Further information about the company, its network and products is available at: <https://www.firstlight.net/>.

² Draft Third Report and Order at paragraph 20.

Make-Ready Intervals

The Commission proposes to reduce make-ready deadlines by 30 days, and also to adopt a 30-day deadline for all communications space work (and 75 days for larger requests).³ These intervals will facilitate completion of make-ready work at a pace that is consistent with the network deployment objectives of wireless providers and the broadband providers that serve them.

Overlashing

Overlashing is a broadly used, time-proven, cost-effective and fast method for broadband providers to add capacity to their networks. To provide certainty to all parties and reduce the costs of deciphering its old decisions, the Commission has proposed to codify and refine its existing precedent that requires utilities to allow overlashing, which helps maximize the usable space on the pole.⁴ The Commission has proposed to codify its longstanding policy that utilities may not require an attacher to obtain its approval for overlashing, while allowing utilities to establish reasonable advance notice requirements.⁵ Clarifying the Commission's policy on this specific point will eliminate a frequent point of contention between pole owners and attachers who, before conducting surveys, undertaking make-ready and placing fiber, must negotiate the pole attachment agreement. Fiber deployment will be expedited by the Commission's codification of this policy.

Pre-existing Violations

The Commission proposes to clarify that new attachers are not responsible for the costs associated with bringing poles or third-party equipment into compliance with current safety and pole owner construction standards to the extent such pole or third-party equipment were out of compliance prior to attachment of the new attachment.⁶ Equally important, the Commission has proposed to clarify that utilities may not deny new attachers access to the pole based on safety concerns arising from a pre-existing violation, nor that utilities be allowed to delay completion of make-ready while the utility attempts to identify or collect from another the cost of correcting the pre-existing violation.⁷

While one might hope that a pole owner would not hold a new attacher responsible for resolving pre-existing violations of another party, the Commission's articulation of a clear policy will preclude pole owners from doing so. Pole owners, through joint-use and occupancy licensing agreements with all attachers, have the means and responsibility to ensure that poles and attachments are safe, that existing attachments are attached in a manner consistent with the licenses they have issued to attachers, and that attached facilities are properly maintained. Pole owners can, should, and typically do survey poles and pole attachments to identify unsafe conditions and non-conforming attachments. A Commission policy that precludes a pole owner from requiring a new owner pay to correct pre-existing violations, and that precludes a pole owner from delaying make-ready until it can collect

³ *Id.* at paragraphs 78 and 80.

⁴ *Id.* at paragraph 3.

⁵ *Id.* at paragraph 107.

⁶ *Id.* at paragraph 112.

⁷ *Id.* at paragraph 113.

from the party responsible for the pre-existing violation, will be beneficial, as it will motivate the pole owner to be proactive in monitoring poles and correcting unsafe conditions.

Thank you for the opportunity to submit these comments.

Kind regards,

A handwritten signature in black ink, reading "Lawrence Lackey". The signature is written in a cursive style with a large initial "L" and a long, sweeping underline.

Lawrence Lackey
Director of Regulatory