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September 15, 2017

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

**Re: Ex Parte Notice**  
**WC Docket No. 17-84**

Dear Ms. Dortch:

On September 13, 2017, Pam Ellis (Utility Business Development Senior Manager for AEP), Tom St. Pierre (Associate General Counsel for AEP), Natalie Beasman (Legal Counsel for Southern Company) and I met separately with Amy Bender (Commissioner O’Rielly’s Wireline Advisor) and Claude Aiken (Commissioner Clyburn’s Wireline Advisor) in connection with the above-referenced docket.

During the meetings, we discussed the Commission’s proposed revisions to Rule 1.1424 (relating to incumbent LEC cost sharing of jointly used poles). We urged the Commission not to adopt the proposed rule and explained that adoption of the proposed rule would be anti-competitive and disruptive to broadband deployment, particularly in rural areas where incumbent LECs are in the best position to provide high-speed broadband by leveraging the benefits of existing joint use agreements.

In the meeting with Mr. Aiken, we also emphasized that Commission Clyburn correctly concluded in 2011, based on a significant factual record, that “joint use agreements are not just simple pole attachment contracts. . . .” *Implementation of Section 224 of the Act; A National Broadband Plan for Our Future*, WC Docket No. 07-245, GN Docket No. 09-51, Report and Order and Order on Reconsideration; Statement of Commissioner Mignon L. Clyburn, 26 FCC Rcd 5240 (2011). We further emphasized that the presumption embedded in proposed Rule 1.1424 is at odds with this (correct) conclusion.

The positions and data we discussed were consistent with the positions and data set forth in the initial comments (at pp. 23-34 and 37-40) and reply comments (at pp. 1-5) filed by AEP and

Southern Company (along with Ameren, Duke Energy, Entergy, Oncor Electric and Tampa Electric) in this proceeding.

This ex parte notification is being filed electronically in the above-referenced docket pursuant to section 1.1206(b) of the Commission's rules. Please let me know if you have any questions.

Very Truly Yours,

*/s/ Eric B. Langley*

Eric Langley

EBL/lk

cc: Amy Bender ([Amy.Bender@fcc.gov](mailto:Amy.Bender@fcc.gov))  
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