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**VIA E-MAIL and ECFS**

Lisa J. Saks  
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Washington, DC 20554

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Enforcement Bureau  
Market Disputes Resolution Division  
Federal Communications Commission  
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Washington, DC 20554

**Re: Fiber Technologies Networks, L.L.C. v. Duke Energy-Indiana, Inc., et al.  
Proceeding No. 14-227; File No. EB-14-MD-015**

Dear Ms. Saks and Mr. Engel:

We are counsel for Complainant Fiber Technologies Networks, L.L.C. ("Fibertech") in the above-referenced pole attachment complaint proceeding against Duke Energy Indiana, Inc., Duke Energy Carolinas, LLC., and Duke Energy Progress, Inc., (collectively "Duke"). We write to request the Commission's immediate resolution of Fibertech's complaint, or in the alternative and at a minimum, assistance with respect to a time sensitive matter directly within the scope of this pending proceeding.

A situation has arisen in Raleigh, North Carolina where Duke's blanket, enterprise-wide policy prohibiting attachment of third-party ancillary equipment to Duke-owned utility poles is now actively interfering with the timely build-out of nodes in Fibertech's network.

During the pendency of this proceeding, as an interim work around to allow Fibertech to attempt to do business in Duke territory, Fibertech has been able in some limited circumstances to install its own poles to avoid further delay in deploying its

network. This is a limited and expensive solution that faces significant and possibly insurmountable hurdles from local authorities, at a minimum. However, with respect to two nodes in the public right of way on Hillsborough Street near North Carolina State University in Raleigh, North Carolina – where Fibertech would use two poles owned by Duke were it not for Duke's unlawful policy –Fibertech is unable to set its own poles due to lack of space in the public right of way (even assuming the City would allow installation of a new pole). Thus, without access to Duke's two poles, Fibertech is prevented from deploying its network and satisfying its customer obligations. Fibertech's contractual commitment with its customer requires these nodes to be completed and operational no later than six months from now. To achieve that completion date, assuming that Duke uses the entire timeframe allowed under the Commission's Rules (*i.e.*, 163 days under 47 C.F.R. § 1.1420), Fibertech needs to be able to immediately apply to Duke for attachment to those poles. Similarly, to obtain municipal authorization in a timely manner, Fibertech needs to start the application process immediately.

Accordingly, Fibertech respectfully requests that the Commission resolve Fibertech's Complaint in an expedited manner, by March 16, 2015. The pleadings under the Commission's Rules are now closed, and the case is fully prepared for resolution by the Commission.

In the alternative, and at a minimum, Fibertech respectfully requests that the Commission convene an immediate conference of the parties to mediate an interim solution for use during pendency of the litigation.

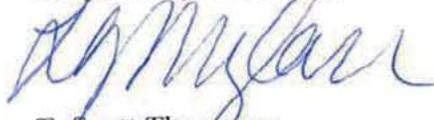
Absent immediate resolution of Fibertech's pole attachment complaint in this proceeding, the only option available to Fibertech in order to avoid further delay in the deployment of its network would be to accept Duke's objectionable pole attachment agreement, allowing Fibertech to place its antenna on Duke's pole and to place a ground mounted cabinet for the equipment (again, assuming that the City will even allow ground mounted equipment). However, if forced to undertake that step, Fibertech would not agree to waive any of its rights and would insist on reserving all rights to continue to object to Duke's blanket, enterprise-wide standard through the instant proceeding. To avoid any claim that Fibertech had conceded any of Duke's assertions, Fibertech would want any interim agreement to be entered under the auspices of the Commission's oversight in this matter.

In light of the foregoing, Fibertech respectfully requests that the Commission resolve the now fully-briefed issues in this proceeding immediately. Alternatively, Fibertech respectfully requests that the Commission mediate a meeting, as soon as possible, between the parties to allow for an interim solution for the build of the particular nodes at issue without prejudice to Fibertech's position in and pending the outcome of this proceeding.

February 10, 2015

Page 3

Respectfully submitted,



T. Scott Thompson

Leslie G. Moylan

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cc:

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February 10, 2015

Page 4

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