

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 224 of the Act)	WC Docket No. 07-245
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51

REPLY COMMENTS OF FRONTIER COMMUNICATIONS CORPORATION

Frontier Communications Corporation (“Frontier”) submits the following reply comments to the Federal Communications Commission’s May 6, 2015 Public Notice¹ requesting parties to refresh the record regarding the Petition for Reconsideration or Clarification (the “Petition”) filed by the National Cable and Telecommunications Association (“NCTA”), COMPTTEL, and tw telecom inc. in the above-referenced proceedings.²

Frontier joins the overwhelming support for the Petition and for the Commission to eliminate any unintended disparities between the cable rate and the telecom rate. ITTA – The

¹ *Parties Asked to Refresh Record Regarding Petition to Reconsider Cost Allocators Used to Calculate the Telecom Rate for Pole Attachments*, Public Notice, 80 FR 27626 (2015) (“*Public Notice*”).

² Petition for Reconsideration or Clarification of the National Cable and Telecommunications Association, COMPTTEL, and tw telecom inc., WC Docket No. 07-245, GN Docket No. 09-51 (filed June 8, 2011) (“Petition”).

Voice of Mid-Size Communications Companies (“ITTA”),³ Verizon,⁴ COMPTTEL and Level 3,⁵ Comcast,⁶ NCTA,⁷ the American Cable Association,⁸ Crown Castle,⁹ and PCIA – The Wireless Infrastructure Association¹⁰ all explain the importance of granting the petition. As, for example, COMPTTEL and Level 3 explain, granting the order would “effectuate the underlying purpose of the 2011 Pole Attachment Order, promote broadband deployment, and protect against competitive distortions that these disparate rates can cause.”¹¹

Pole attachment fees are among the greatest costs that broadband providers, such as Frontier, face; reducing those costs enables providers to focus resources on infrastructure investment and deployment. As the Commission has explained, “[t]he cost of deploying a broadband network depends significantly on the costs that service providers incur to access

³ See Comments of ITTA – The Voice of Mid-Size Communications Companies, WC Docket No. 07-245, GN Docket No. 09-51 (June 4, 2015). Frontier is a member of ITTA. See ITTA, *Member Companies* (last accessed June 15, 2015), <http://www.itta.us/about/member-companies/>.

⁴ Comments of Verizon, WC Docket No. 07-245, GN Docket No. 09-51 (June 4, 2015) (“Verizon Comments”).

⁵ Comments of COMPTTEL and Level 3 Communications, LLC, WC Docket No. 07-245, GN Docket No. 09-51 (June 4, 2015) (“COMPTTEL and Level 3 Comments”).

⁶ Comments of Comcast Corporation, WC Docket No. 07-245, GN Docket No. 09-51 (June 4, 2015).

⁷ Comments of the National Cable & Telecommunications Association, WC Docket No. 07-245, GN Docket No. 09-51 (June 4, 2015) (“NCTA Comments”).

⁸ Comments of the American Cable Association, WC Docket No. 07-245, GN Docket No. 09-51 (June 4, 2015).

⁹ Comments of Crown Castle, WC Docket No. 07-245, GN Docket No. 09-51 (June 4, 2015).

¹⁰ Comments of PCIA – The Wireless Infrastructure Association and the HetNet Forum, WC Docket No. 07-245, GN Docket No. 09-51 (June 4, 2015).

¹¹ See COMPTTEL and Level 3 Comments at 1.

conduits, ducts, poles and rights-of-way on public and private lands.”¹² The Commission estimates that “the expense of obtaining permits and leasing pole attachments and rights-of-way can amount to 20% of the cost of fiber optic deployment.”¹³ These costs are particularly dramatic in the rural areas that Frontier serves, where Frontier must obtain rights to many more additional poles to serve customers spread out over a greater geographic area.

In addition to promoting broadband deployment, adjusting the telecom rate would reduce competitive distortions, a long-standing Commission goal. As the Commission has explained, reducing the telecom rate to be lower and closer to uniform with the cable rate “will better enable providers to compete on a level playing field, will eliminate distortions in end-user choices between technologies, and lead to provider behavior being driven more by underlying economic costs than arbitrary price differentials.”¹⁴

Frontier, like Verizon and others,¹⁵ has experienced first-hand the competitive distortions and the artificial rate disparities predicted in the Petition. Frontier routinely faces attempts by power companies to use the telecom rate cost allocator for areas with lower average attaching entity numbers.¹⁶ By granting the Petition, the Commission can reduce these competitive

¹² See FCC, *Connecting America: The National Broadband Plan* 109 (2010), available at <http://bit.ly/1JHqKMN>.

¹³ See *id.*

¹⁴ See *Implementation of Section 224 of the Act*, Report and Order and Order on Reconsideration, 26 FCC Rcd 5240 ¶ 147 (2011).

¹⁵ See Verizon Comments at 4-5

¹⁶ See Response Ex. 7 ¶¶ 16-18, 20, 45, 46, *Commonwealth Tel. Co. v. UGI Utilities – Elec. Div.*, Docket No. 14-217, File No. EB-14-MD-007 (Aug. 25, 2014) (seeking to impose the 66-percent cost allocator when there is an average of 2.5 attachers); Response Ex. 2 ¶ 7 and App. C, p. 1, line 5, *Frontier Commc’ns of the Carolinas LLC v. Duke Energy Progress, Inc.*, Docket No. 14-213, File No. EB-13-MD-007 (Jan. 22, 2014) (seeking to impose the 66-percent cost allocator when there is an average of 2.4 attachers); Response Attachment A ¶¶ 6, 7, 9, *Frontier W.V. v.*

disparities. In particular, the Commission can remove any competitive advantages that cable providers currently have over other Internet service providers based on a different pole attachment rate when cable providers and other Internet service providers are frequently providing the same services and competing for the same customers.

Granting the relief requested would also reduce pole attachment disputes. As Verizon explains, “[t]he ambiguity over the proper use of the Commission’s cost allocators has slowed and thwarted Verizon’s negotiations, as parties have disputed the proper cost allocator and contested the accuracy of a pole survey or sampling methodology.”¹⁷ Frontier has had the same experience. According to NCTA, “granting the petition would eliminate any incentive for pole owners to rebut the attaching entity presumptions in the telecommunications rate formula, thereby ensuring that all attaching parties pay rates that approximate the rates produced by the cable rate formula.”¹⁸ Reducing disputes would not only conserve limited Commission resources but would also free additional provider resources to focus on broadband.

Appalachian Power Co., File No. EB-12-MD-004 (Aug. 17, 2012) (seeking to impose the 66-percent cost allocator when there is an average of 2.57 and 2.58 attachers).

¹⁷ Verizon Comments at 6.

¹⁸ NCTA Comments at 5.

By granting this petition, the FCC has the opportunity to promote broadband deployment, remove an outdated regulatory disparity between cable and telecommunications providers, and reduce pole attachment disputes. For these reasons, Frontier supports the relief requested in the Petition to the extent it would bring the telecom rate for attachments closer to uniform with the cable rate.

Respectfully submitted,

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