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November 5, 2015

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Pole Attachments, WC Docket No. 07-245

Dear Ms. Dortch:

On November 4, 2015, Steve Morris and Jennifer McKee of the National Cable & Telecommunications Association met with Nick Degani, Legal Advisor to Commissioner Pai, to discuss NCTA's pending reconsideration petition in the above-referenced proceeding.¹ Consistent with prior pleadings, NCTA explained that the relief requested in the petition is well within the Commission's legal authority and fully consistent with the requirements of Section 224.² The decision of the D.C. Circuit in *American Electric Power v. FCC*, which upheld the Commission's 2011 reforms, confirms that the relevant terms in Section 224(e) are ambiguous and that the Commission has discretion to apply those terms in a manner that advances its broadband policy.³ NCTA encouraged the Commission to grant the petition expeditiously to ensure that all broadband providers are protected from paying unreasonably high pole attachment fees.

Respectfully submitted,

/s/ **Steven F. Morris**

Steven F. Morris

cc: N. Degani

¹ See Petition for Reconsideration or Clarification of the National Cable & Telecommunications Association, COMPTEL and tw telecom, Inc., WC Docket No. 07-245 (filed June 8, 2011) (Petition).

² See, e.g., Reply Comments of the National Cable & Telecommunications Association, WC Docket No. 07-245 (filed June 15, 2015) at 9-11; Reply to Opposition of the National Cable & Telecommunications Association, COMPTEL, and tw telecom, WC Docket No. 07-245 (filed Aug. 22, 2011) at 3-6.

³ *American Electric Power v. FCC*, 708 F.3d 183, 189-90 (D.C. Cir. 2013) ("Because the Commission's methodology is consistent with the unspecified cost terms contained in § 224(e), and the Commission's justifications are reasonable, the revision warrants judicial deference.").