



1200 EIGHTEENTH STREET, NW
WASHINGTON, DC 20036

TEL 202.730.1300 FAX 202.730.1301
WWW.HARRISWILTSHIRE.COM

ATTORNEYS AT LAW

26 April 2006

Ex Parte

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Re: *Petition for Rulemaking of Fibertech Networks, LLC*, RM-11303.

Dear Ms. Dortch:

On April 25, 2006, Charles Stockdale and Rob Withhauer of Fibertech Networks, LLC, John Nakahata of this firm, and undersigned counsel had meetings with Ian Dillner of the Chairman's Office; Jeremy Miller and Jonathan Reel of the Wireline Competition Bureau; and Tom Navin, Julie Veach and Marcus Maher of the Wireline Competition Bureau in connection with the above-captioned proceeding. In those meetings, Fibertech discussed matters raised in its filings in the proceeding and distributed the attached materials.

In accordance with FCC rules, a copy of this letter is being filed electronically in the above-referenced docket.

Sincerely yours,

A handwritten signature in black ink, appearing to read "BDS", with a long horizontal flourish extending to the right.

Brita D. Strandberg
Counsel to Fibertech Networks, LLC

cc: Ian Dillner
Marcus Maher
Jeremy Miller
Tom Navin
Jonathan Reel
Julie Veach

FIBERTECH NETWORKS, LLC PETITION FOR RULEMAKING (RM-11303)

There is already substantial evidence in the record demonstrating the need for a rulemaking. In addition to the evidence provided by Fibertech, a broad range of commenters from across the country has detailed widespread discrimination that hampers new entrants and unnecessarily limits broadband deployment.

- Sunesys, Inc., a leading provider of non-switched, digital fiber-optic communications networks:
 - Abandoned efforts to serve a Maryland school district because of excessive charges by Baltimore Gas & Electric.
 - Ceased efforts to enter the market in Delaware because of costs and delays imposed by Conectiv.
 - Lost a customer to Public Service Gas & Electric Company (“PSE&G”) when PSE&G failed to perform, or even schedule, make-ready work necessary to meet the delivery date of nine months. Only after PSE&G contracted directly with the customer did PSE&G perform the work and bill Sunesys.
 - Experienced delays of more than four years between submission of pole attachment applications and permit grants.

- Florida Cable & Telecommunications Association; the Cable Television Association of Georgia; South Carolina Cable Association; the California Cable & Telecommunications Association; the Alabama Cable Telecommunications Association; and the Cable Telecommunications Association of Maryland, Delaware, and the District of Columbia:
 - Confirm that electric utilities have insisted on the right to deny access to poles even when capacity is readily available through reasonable make-ready work.

- T-Mobile USA, Inc., one of four facilities-based nationwide wireless carriers:
 - Reports that utilities commonly refuse T-Mobile’s offers to pay for purchasing and setting new utility poles where existing poles cannot support wireless telecommunications facilities.
 - Describes utilities’ unreasonable denials of access and excessive fees for CMRS providers.
 - Has experienced substantial delays in negotiating pole attachment agreements.
 - Confirms that utilities often exact unexplained charges as part of the pole attachment process.

- Time Warner Telecom Inc.,
 - Details significant resistance to the use of extension arms.
 - Confirms the unnecessary delays in all phases of the application and implementation process, including delays of years between applications for and completion of make-ready work.
 - Notes that it generally does not seek access to utility-owned conduit because of the length of the process.
 - Reports that pole owners often fail to properly allocate make-ready or safety correction costs among attachers.

- McLeodUSA Telecommunications Services, Inc., a provider of local, long distance, data, and Internet access services:
 - Has observed utilities' widespread use of boxing and extension arms even where such practices are supposedly prohibited.
 - Reports that time frames for applications and make-ready work can easily exceed 180 days.

- segTEL, Inc., a facilities-based provider of advanced, integrated packages of communications services to customers in sparsely- and moderately-populated areas of northern New England:
 - Has experienced delays of more than 500 days in the performance of make-ready work.
 - Reports average wait times of more than 150 days for record reviews, field surveys, and preparation of make-ready price quotes by one utility.
 - Has been subject to record review and field survey charges that exceed, by 70%, those charged by a similarly situated utility.
 - Has been required to pay unreasonably high pre-payments for manhole surveys.
 - Has been forced to pay excessive make-ready charges as a result of inefficient attachments by pole-owners.

- Virtual Hipster, a provider of competitive telephone service, dial-up Internet, broadband wireless Internet, and VoIP services to residences and businesses in rural Nevada:
 - Has been quoted pole attachment rates of \$12,000 per pole per year.
 - Reports that utilities have invoked safety concerns to deny attachments despite the presence of existing attachments that violate these alleged safety concerns.

- Indiana Fiber Networks, LLC, a facilities-based provider of dark fiber:
 - Notes that it has had experiences similar to Fibertech's with respect to survey and make-ready time periods and has been unable to deploy facilities on a specific utility's poles.

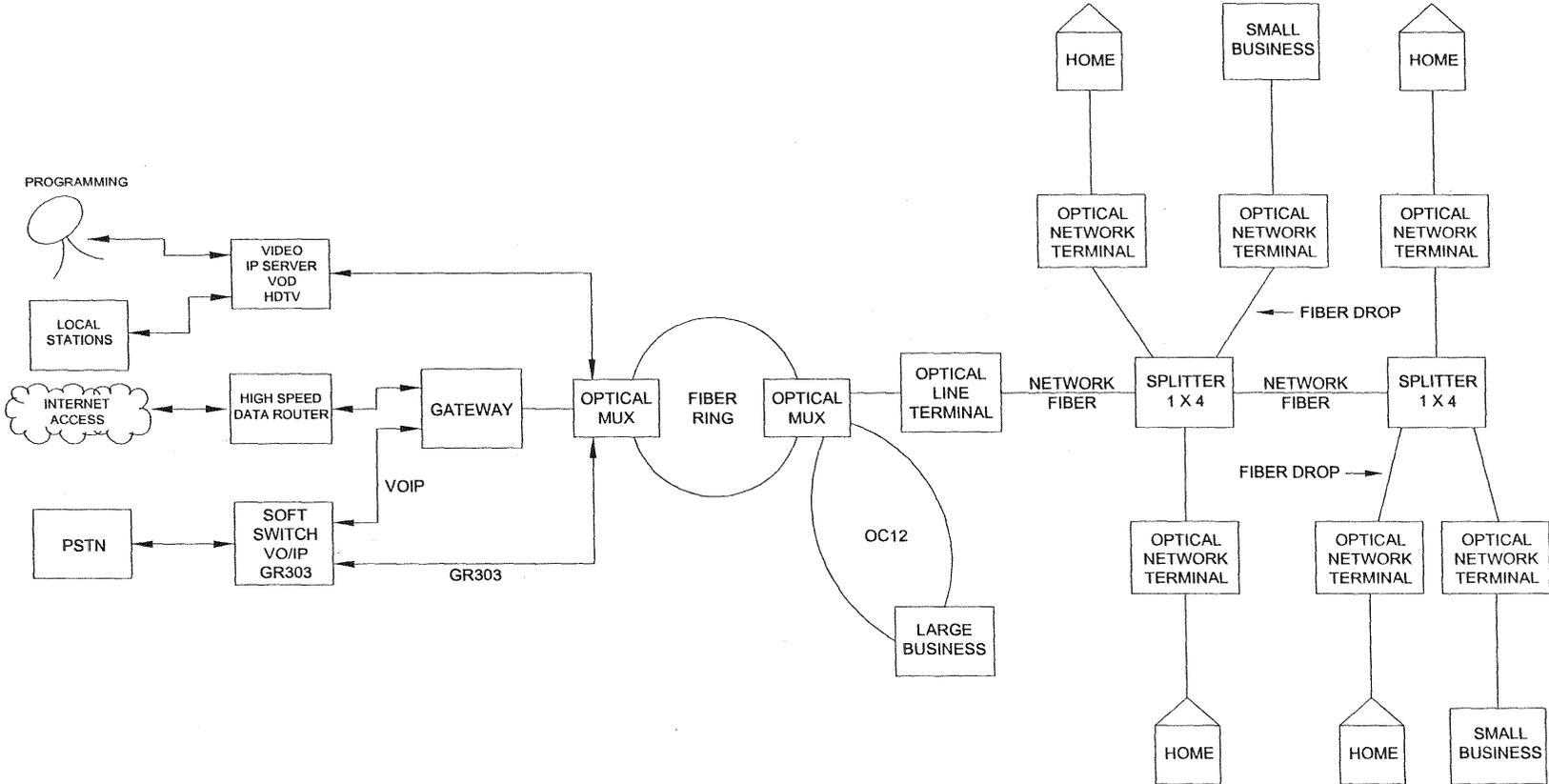
- NextG Networks, Inc., a provider of cutting-edge telecommunications services and networks:
 - Paid for work on 14 poles that was not completed for six months and that was completed only after contact from an NextG attorney.
 - Has experienced significant delays, including a delay of more than two years, before utilities will discuss attachment.

- Sigecom, LLC, a CLEC, cable service provider, and broadband service provider:
 - Reports experiences similar to Fibertech's, including violations of applicable time frames and excessive fees for record searches and manhole surveys.

- ClearLinx Network Corporation, LLC, a provider of open networks for the wireless industry:
 - Has been denied access to pole attachment agreements.
 - Has been subject to discriminatory rules and costly fees with respect to certain attachments.



Network Architecture



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