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April 27, 2006

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 - 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Presentation – MB Docket 05-311

Dear Ms. Dortch:

On Thursday, April 27, 2005, on behalf of the Fiber-to-the-Home Council, the following individuals met with Rosemary Harold, Mary Beth Murphy, Natalie Roisman, Brendan Murray, Holly Saurer, John Norton, and Mike Lance of the Media Bureau: Joe Savage, Fiber to the Home Council; Felix Boccucci, Knology; Andy Sarwal, Grande Communications; Stan Fendley, Corning; Monte Hill, On Trac Inc.; Tim Savage, ERS Group; and Edward A. Yorkgitis, Jr. and Thomas Cohen of Kelley Drye & Warren LLP. The purpose of the meeting was to review the comments and declarations filed by the Fiber-to-the-Home Council in MB Docket 05-311. The attached presentation was distributed at the meeting.

During the presentation, members of the group meeting with the Bureau staff emphasized the following points:

1. The best way to determine whether video franchising relief can accelerate FTTH deployments is to examine actual market experiences. Fortunately, the Texas state-issued franchise statute provides an excellent test-bed. Since it was enacted last summer, we have seen significant new investment in and deployment of FTTH and other advanced broadband plant. In our meeting, we discussed the experience of the Guadalupe Valley Telecommunications Cooperative, which received the

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first state-issued franchise in Texas and immediately began to build its FTTH network in Bulverde – an area that once was going to impose a burdensome build-out requirement. In addition, Grande Communications obtained a state-issued franchise and soon thereafter raised another \$35M to expand its FTTH network. Finally, after the Texas law was passed, AT&T committed to spend \$800M to upgrade its network for video distribution.

2. In determining where to build, the two most critical factors are related to the cost of building plant, i.e. potential subscriber density, and “dirt,” i.e. whether the plant is aerial or buried. FTTH deployments are much more likely where densities are greater and where an operator has flexibility in determining how best to construct its plant. This does not mean that overbuilders only go to the largest urban markets. Both Knology and Grande Communications target smaller, second, third, and fourth tier cities, bringing these customers FTTH and other advanced broadband network capabilities.
3. The franchising process in most areas continues to pose a problem for new entrants. This is especially the case for franchising authorities subject to level playing field laws or provisions and intent on imposing build-out requirements. In contrast, Knology described a recent experience of dealing with an enlightened franchising authority in northwest (Walton County) which desired competition and permitted it to enter without a build-out requirement. As a result, Knology is rapidly deploying its FTTH in this territory.

An original and one copy of this notice of oral ex parte presentation and attachment are being filed with the Secretary’s office pursuant to 47 C.F.R. 1.1206.

Sincerely,



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Counsel for the Fiber to the Home Council

Attachment: FTTH Council Presentation to the FCC Media Bureau, Section 621 NPRM (MB 05-311), April 27, 2006.

cc: Rosemary Harold
Mary Beth Murphy
Natalie Roisman
Brendan Murray
Holly Saurer
John Norton
Mike Lance