

January 16, 2007

VIA E-MAIL

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW-325
445 12th Street, S.W.
Washington D.C. 20554

Re: In the Matter of The Petition of the United States Telecom Association for Rulemaking to Amend Pole Attachment Rate Regulation and Complaint Procedures, RM-11293; In the Matter of Petition for Rulemaking of Fibertech Networks, LLC, RM-11303

Dear Ms. Dortch:

On behalf of Time Warner Telecom Inc., I am hereby filing the attached White Paper which describes the manner in which (1) the Commission's current pole attachment rules discriminate against telecommunications carriers in violation of the Commission's stated policy objective of establishing a level playing field for firms competing in the provision of broadband services and (2) the Commission may and should rely on its existing authority under Section 224 of the Communications Act to eliminate or substantially diminish that discrimination. I respectfully request that the scope of the above-referenced proceedings concerning petitions for rulemaking seeking changes to the Commission's pole attachment rules be expanded to include the issues addressed in the White Paper.

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Pursuant to Section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1), a copy of this letter and the White Paper are being filed electronically in each of the above-referenced proceedings. Please contact me if you have any questions.

Respectfully submitted,

/s/

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