

# LATHAM & WATKINS<sup>LLP</sup>

## FIRM / AFFILIATE OFFICES

Barcelona	New Jersey
Brussels	New York
Chicago	Northern Virginia
Frankfurt	Orange County
Hamburg	Paris
Hong Kong	San Diego
London	San Francisco
Los Angeles	Shanghai
Madrid	Silicon Valley
Milan	Singapore
Moscow	Tokyo
Munich	Washington, D.C.

June 27, 2007

## **BY ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: RM-11293 – Notice of Ex Parte Presentation

Dear Ms. Dortch:

On Tuesday, June 26, 2007, Jeffrey Glover of CenturyTel, Inc. (“CenturyTel”), Jeffrey Lanning of Embarq, Mike Shultz of Consolidated Communications, Inc., and Greg Hallmark and I of this office met with Marcus Maher and Randy Clarke of the Wireline Competition Bureau, to discuss the above-captioned petition for rulemaking to amend the FCC’s pole attachments rate regulations and complaint procedures. Kathleen Moisan and Max Cox of CenturyTel participated by teleconference. In the meeting, the companies discussed their experiences with unreasonable rate discrimination by electric utilities, and discussed how excessive pole attachment charges hinder deployment of broadband fiber facilities as well as Wi-Fi technology in rural areas.

Pole attachments continue to be essential inputs for telecommunications service providers, including incumbent local exchange carriers (ILECs), most notably in rural areas where laying telephone lines underground is uneconomical. Often, electric utilities enjoy bottleneck control of these facilities. Many states have refused to regulate pole attachment rates, however, leaving ILECs with no alternative but to pay monopoly rents to utilities, while their competitors enjoy the protection of the FCC’s rules regulating pole attachment rates. The companies noted that they have seen significant increases in the utilities’ pole attachment rates for ILECs, which are now well in excess of the rates for either competitive local exchange carriers (CLECs) or cable system operators. In one instance, a number of electric cooperatives in Alabama are demanding rate increases of roughly three to five times the current rates paid by CenturyTel.

The companies also emphasized that broadband deployment in rural and high-cost areas is inhibited by the disparity in pole attachment rates among cable operators, CLECs, and ILECs – a disparity for which there is no sound policy basis. The carriers believe that with

LATHAM & WATKINS<sup>LLP</sup>

minor reforms to its rules, the Commission can facilitate broadband competition and encourage additional deployment of broadband capabilities by eliminating this irrational discrimination in pole attachment rates.

The legal arguments made by the carriers in this meeting are summarized in the enclosed talking points and in CenturyTel's comments in support of the above-captioned petition for rulemaking, filed in the record in this proceeding. CenturyTel's February 21<sup>st</sup> *ex parte* filing in this proceeding sets forth in further detail the discriminatory charges it has been experiencing.

Please direct any questions concerning this matter to me.

Very truly yours,

/s/

Karen Brinkmann  
*Counsel to CenturyTel, Inc.*

cc: Thomas Navin, Chief, Wireline Competition Bureau  
Marcus Maher, Legal Counsel, Wireline Competition Bureau  
Randy Clarke, Legal Counsel, Wireline Competition Bureau