

July 21, 2009

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: *A National Broadband Plan for Our Future*, GN Docket No. 09-51; *Report on Rural Broadband Strategy*, GN Docket No. 09-29; *Implementation of Section 224 of the Act; Amendment of the Commission's Rules and Policies Governing Pole Attachments*, WC Docket No. 07-245, RM-11293 and RM-11303.**

Dear Ms. Dortch:

In lieu of reply comments, Fibertech Networks, LLC ("Fibertech") and Kentucky Data Link, Inc. ("KDL") hereby submit a copy of their comments initially filed in the Rural Broadband Proceeding, along with two exhibits to Fibertech and KDL's April 16, 2009 ex parte filing<sup>1</sup> that (1) detail the immediate benefits of pole access reform and (2) suggest five easy steps to increased broadband deployment.

As set forth in those comments and exhibits, timely pole access is essential to the wider deployment of broadband in all settings, and meaningful pole access reform can ensure that broadband providers have access to cost-effective backhaul facilities necessary to wired and wireless broadband services. These comments provide concrete examples of how lack of clear pole attachment rules and timelines has hampered broadband deployment, particularly in rural areas. Access to poles and conduits in a timely manner is essential to the deployment of new fiber optic networks, both in rural and urban areas, for both the last-mile and the middle-mile. Access to rights of way, including poles and conduits, is a fundamental building block for all broadband deployment.

Moreover, the Commission can take immediate action to improve pole access and timelines. The Commission has already received voluminous comment on pole attachment issues in response to its Notice of Proposed Rulemaking on these issues, *Implementation of Section 224 of the Act; Amendment of the Commission's Rules and Policies Governing Pole*

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<sup>1</sup> Letter from Brita D. Strandberg, Counsel to Fibertech Networks, LLC and Kentucky Data Link, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 07-245, RM-11293, RM-11303, GN Docket No. 09-29 (Apr. 16, 2009).

*Attachments*, Notice of Proposed Rulemaking, 22 FCC Rcd. 20,195, WC Docket No. 07-245 (rel. Nov. 20, 2007), and in response to Fibertech's initial petition for rulemaking, Petition for Rulemaking of Fibertech Networks, RM-11303 (filed Dec. 7, 2005). The rule changes proposed herein are ones that can be adopted immediately.

Respectfully submitted,



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Data Link, Inc.*