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August 14, 2009

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

Ex Parte

Re: Notice of Ex Parte Communication In the Matter of 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:

Please accept this letter as notification, pursuant to Section 1.1206 of the Commission's Rules, that on August 13, 2009, Tom St. Pierre of American Electric Power Service Corporation, Andy Russell of Duke Energy Corporation, Allen Bell of Georgia Power Company (an operating company subsidiary of Southern Company), Michael D. Rosenthal and Holly Henderson of SouthernLINC Wireless (an affiliate of Southern Company), and the undersigned met separately with Mr. Nicholas Alexander, Legal Advisor to Commissioner McDowell; Ms. Jennifer Schneider, Legal Advisor to Commissioner Copps; Ms. Priya Aiyar, Legal Advisor to Chairman Genachowski; Ms. Christi Shewman, Acting Legal Advisor to Commissioner Baker; and Wireline Competition Bureau staff members Mr. Marcus Maher, Mr. Albert Lewis, Mr. William Dever, Mr. Jonathan Reel, Mr. Marvin Sacks, and Ms. Jennifer Prime.

During these meetings, the parties discussed their plans to file a petition for declaratory ruling asking the Commission to clarify that the telecommunications rate for pole attachments applies to cable system attachments used to provide interconnected voice over internet protocol service. The parties provided the attached slides to facilitate discussion of the petition to be filed. The parties also discussed the development of pole attachment regulations through the above-referenced rulemaking proceeding, consistent with their written comments on the record. This notice has been filed in accordance with Section 1.1206(b) of the Commission's Rules, and one electronic copy of this notice is being filed in the above-referenced dockets.



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Please do not hesitate to contact the undersigned if you have any questions.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sean B. Cunningham".

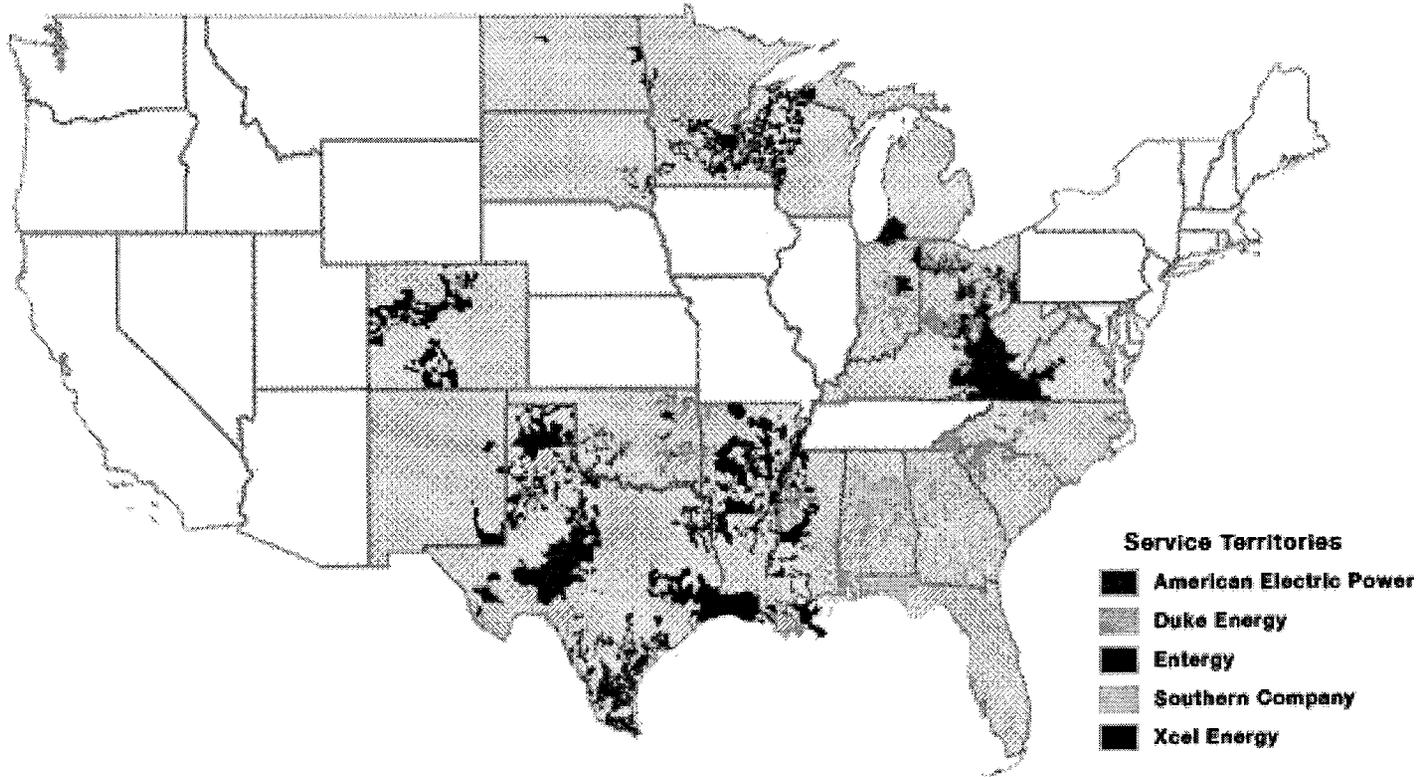
Sean B. Cunningham

Enclosure

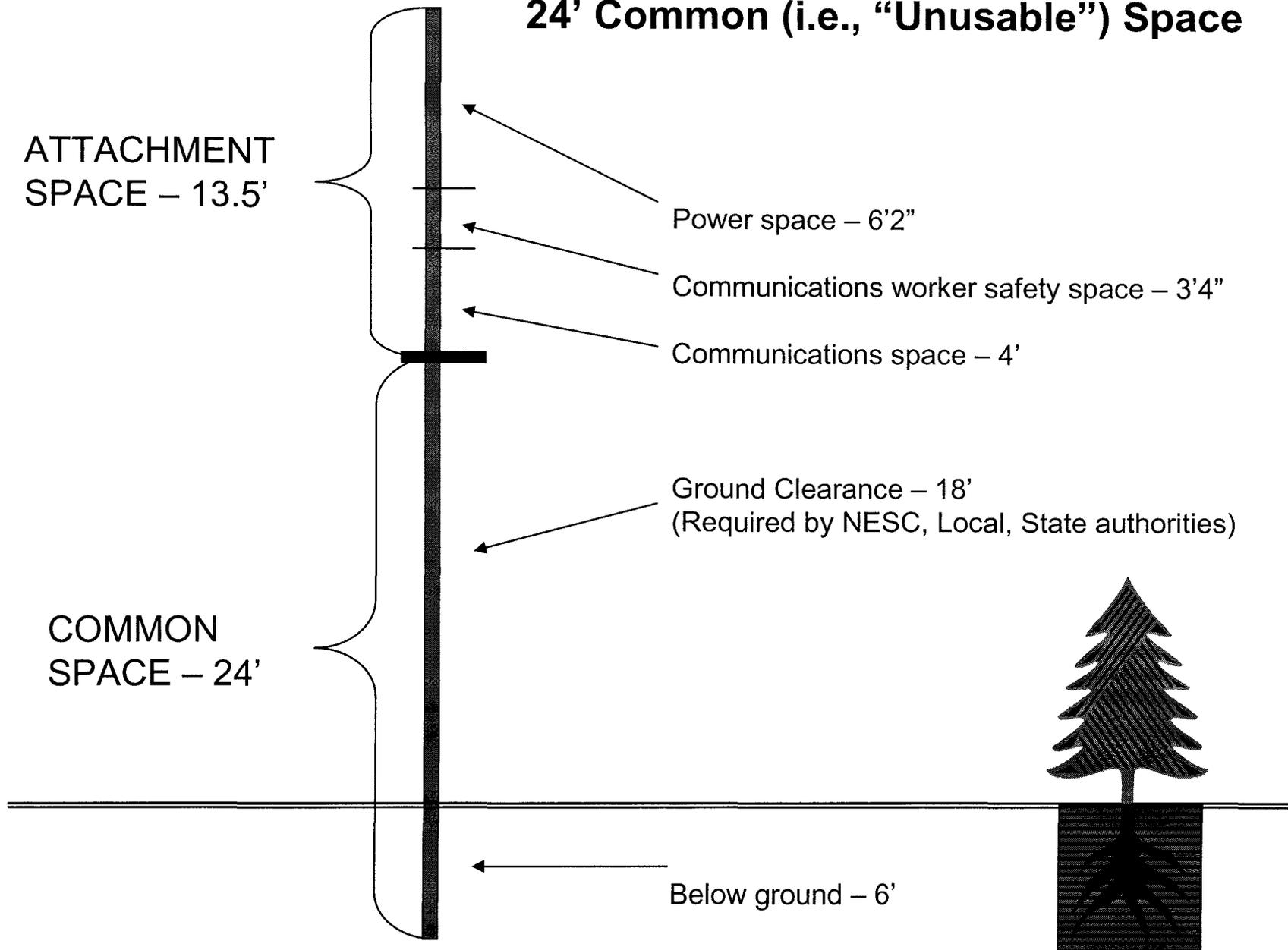
cc: Mr. Nicholas Alexander (via electronic mail)  
Ms. Jennifer Schneider (via electronic mail)  
Ms. Priya Aiyar (via electronic mail)  
Ms. Christi Shewman (via electronic mail)  
Mr. Marcus Maher (via electronic mail)  
Mr. Albert Lewis (via electronic mail)  
Mr. William Dever (via electronic mail)  
Mr. Marvin Sacks (via electronic mail)  
Mr. Jonathan Reel (via electronic mail)  
Ms. Jennifer Prime (via electronic mail)

**ATTACHMENT**

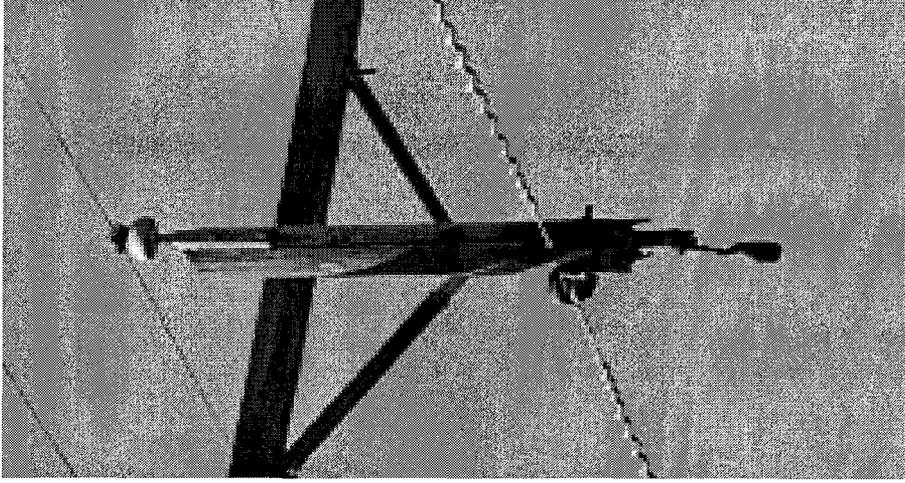
## Service Areas: AEP, Duke Energy, Entergy, Southern Company, and Xcel Energy



# Schematic of Pole with 24' Common (i.e., "Unusable") Space



# Pole with No Common Space





National Cable & Telecommunications Association

TEXT SIZE: AA

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## NCTA CHANGES ITS NAME TO NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION; Revamped Web Site Launched

**Publication Type:** Media Release

**Date:** 4/30/2001

*Marc O. Smith/Lori Stout-Chang, 202/775-3629*

**WASHINGTON, DC** – NCTA's name-change -- from the National Cable Television Association to the National Cable & Telecommunications Association – will become effective Tuesday, May 1, 2001. The change, first announced in February, reflects cable's transformation from a one-way video provider to a competitive supplier of advanced, two-way services, including digital video, high-speed Internet, cable telephony and interactive TV.

"Our new name better reflects the industry's changing landscape," said NCTA President & CEO Robert Sachs. "Cable is no longer simply a provider of one-way video programming. Cable is using its broadband infrastructure to provide consumers with a competitive choice of entertainment, information and telecommunications services."

Since passage of the 1996 Telecommunications Act -- intended to promote competition and investment in the telecommunications market -- the cable industry has raised and invested more than \$45 billion for facilities upgrades that make delivery of advanced, two-way services possible. The industry currently serves more than 10 million digital cable, four million cable modem and one million cable phone customers.

NCTA also will re-launch its web site ([www.ncta.com](http://www.ncta.com)) May 1. The revamped online resource will provide the latest industry information in a user-friendly format for the industry's customers, the media, NCTA members, and other interested parties.

The National Cable & Telecommunications Association (NCTA), formerly the National Cable Television Association, is the principal trade association of the cable television industry in the United States. NCTA represents cable operators serving more than 90 percent of the nation's cable television households and more than 150 cable program networks, as well as equipment suppliers and providers of other services to the cable industry. In addition to offering traditional video services, NCTA's members also provide broadband services such as high-speed Internet access and telecommunications services such as local exchange telephone service to customers across the United States.

Visit us at [www.ncta.com](http://www.ncta.com) for the latest information about the cable industry, including recent press releases, industry statistics, NCTA regulatory and court filings, cable's commitment to customer service, quality programming, education and technology initiatives, and much more.

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