



September 2, 2009

**Ex Parte**

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

*Re: 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; Report on Rural Broadband Strategy, GN Docket No. 09-29; A National Broadband Plan for Our Future, GN Docket No. 09-51*

Dear Ms. Dortch:

On September 1, 2009, John Chuang of Kentucky Data Link, Inc. ("KDL") and Jamie Hoare of Fibertech Networks, LLC ("Fibertech") along with John Nakahata, Kelley Shields, and the undersigned of this firm, met with: Nick Alexander, Wireline Advisor to Commissioner McDowell; Commissioner Baker and her Wireline Advisor, Christi Shewman; Jennifer Schneider, Wireline Advisor to Commissioner Copps; Blair Levin of the Office of Strategic Planning and Policy Analysis; and Tom Koutsky of the Office of Strategic Planning and Policy Analysis and Marcus Maher of the Wireline Competition Bureau.

In each of these meetings, Fibertech and KDL explained that long-awaited reform of the Commission's rules governing pole access is an example of exactly the "low-hanging fruit" of reforms on which the Commission can and should act while it completes the National Broadband Plan.<sup>1</sup> The Commission has a complete and current record on the critical need for pole access reform, has jurisdiction to act in this area, and, by adopting timelines and presumptions that encourage broadband deployment, can immediately drive additional broadband deployment. Indeed, by taking steps to streamline pole access and create specific time frames for completion of make-ready work, the Commission will also help ensure that pole access does not frustrate timely completion of infrastructure deployment under the BIP and BTOP programs.

KDL also explained that immediate reform will allow it to avoid delays that too often frustrate KDL's efforts to bring high capacity fiber networks to customers serving rural communities, school districts, and health care institutions. Pole access problems have led to multi-year delays in delivering modern broadband facilities to these community anchor institutions. Pole access delays have also plagued RUS-funded deployments. Fibertech described how reducing delays dramatically expands the universe of customers it can serve by enabling Fibertech to meet

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<sup>1</sup> Lynn Stanton, *Genachowski: Broadband Commenters Not Yet Taking Process "As Seriously As It Deserves,"* TRDaily, Aug. 5, 2009.

smaller customers' expectations that high capacity service can be delivered in a few months, as is generally the case in Connecticut and New York, and not a year or longer, as is frequently the case in states in which the FCC regulates pole access.

Fibertech and KDL emphasized that reform will not impact safety or reliability of the nation's pole infrastructure. New York and Connecticut have adopted similar reforms without compromising electric safety or reliability, and Fibertech and KDL's proposals require attachers to comply with all applicable objective safety standards. Finally, Fibertech and KDL noted that their proposals would not alter pole owners' existing right to raise safety concerns in pole attachment complaint proceedings.

As part of these meetings, Fibertech and KDL distributed the attached materials.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'BDS', with a long horizontal line extending to the right.

Brita D. Strandberg  
*Counsel to Fibertech Networks, LLC and Kentucky  
Data Link, Inc.*

cc: Commissioner Baker  
Nick Alexander  
Tom Koutsky  
Blair Levin  
Marcus Maher  
Jennifer Schneider  
Christi Shewman.