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September 25, 2009

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Portals
Washington, D.C. 20554

Re: GN Docket No. 09-51 National Broadband Plan Ex Parte Communication

Dear Ms. Dortch:

On February 17, 2009, Clark McLeod, H. Brian Thompson and Scot Eberle met on behalf of Fiberutilities Group, Inc. ("FG") with Blair Levin, Steven Rosenberg, Phoebe Yang and Elvis Stumbergs of the Commission to present a proposal of FG for an Interstate FiberUtility. As presented, Interstate FiberUtility is a nationwide fiber optic cable infrastructure deployed without electronics (dark fiber) in the national highway system rights of way. It is specifically designed to be leased at the individual fiber strand level by carriers, businesses and any other public or private entity for any public or private purpose. The presentation and biographies of Clark McLeod and H. Brian Thompson are attached.

Respectfully submitted,

Randall B. Lowe

Attachments

cc: Blair Levin
Steven Rosenberg
Phoebe Yang
Elvis Stumbergs
Clark McLeod
H. Brian Thompson

ATTACHMENT TO EX PARTE LETTER – NATIONAL BROADBAND PLAN 12/17/09 MEETING WITH FCC BY FIBERUTILITIES GROUP, LLC

COMPANY BIO'S

Clark McLeod

Fiberutilities Group, LLC Co-Founder

Clark McLeod is co-founder of Fiberutilities Group, LLC, which provides "high level connectivity solutions" to local governments and to enterprise clients. Fiberutilities currently operates over 8000 miles of interstate fiber networks on behalf of its clients in government, financial, healthcare, and data center services.

Mr. McLeod has been at the forefront of highly-competitive communications companies for three decades. In 1991, he founded McLeodUSA. He served as Chairman of the Board from June 1991 to April 2002. He also served as Chief Executive Officer from the company's formation until January 2001. At the time he left the company, McLeodUSA was the largest independent competitive local exchange carrier in the nation and employed over 10,000 people. The company's interstate fiber network spanned 31,000 route miles.

Mr. McLeod founded Directory Publishing in 1986. After the company's expansion to over 40 states, it was purchased by Yellow Book in 2002, forming the largest yellow page directory publisher in the world.

In 1980, Mr. McLeod founded Teleconnect, an Iowa-based long distance telecommunications company. He served as Chairman and CEO of Teleconnect from January 1980 to December 1988. In 1985, the Teleconnect team, led by McLeod, contracted with the Williams Companies to build the first Midwest fiber infrastructure from Chicago to Denver, which was then extended to the east and west coast **forming the country's first transcontinental fiber cable preceding, the later builds of the major carriers, ATT, MCI and Sprint.** In December 1988, following a merger with SouthernNet, Inc., the company was renamed Telecom*USA and became America's fourth largest long distance telecommunications company, with nearly 6,000 employees. MCI purchased Telecom*USA in August 1990 for $1.25 billion.

H. Brian Thompson

Fiberutilities Group, LLC Co-Founder

H. Brian Thompson is Executive Chairman of Global Telecom & Technology (GTT), a global telecommunications network integrator, while continuing to head his own private equity investment and advisory firm, Universal Telecommunications, Inc., in Vienna, Virginia.

As a veteran senior executive of the telecommunication industry, Mr. Thompson has been instrumental in impacting the rise of competitive telecommunications both in the U.S. and abroad. Within the US, beyond his current GTT development role, Mr. Thompson served as Executive Vice President of MCI through the 1980s, the truly formative years of competitive telecommunications development, with MCI leading the charge. In the '90s, he headed LCI International as Chairman and CEO until it merged with Qwest Communications in June 1998, whereupon he became Vice Chairman of Qwest until his resignation in December 1998. During the development of the Telecom Act of 1996, Thompson served as Chairman of CompTel, the organization representing the competitive telecommunications industry, and was very much involved in how that Act took shape.

Internationally, Thompson was Chairman of Comsat International from 2002-2007, when it was acquired by British Telecom. He also served as non-Executive Chairman of Telecom Eireann (Irish incumbent telephone company) in 1999, and Chairman and CEO of GTS from March 1999 through September 2000. He helped found and later became Chairman of the Global Information Infrastructure Commission, a multinational organization launched in Brussels in 1995 to chart the role of the private sector in the developing global information and telecommunications infrastructure. He also has headed several advisory committees assisting the Irish Government as they have evolved their policies on telecommunications and ICT.

Mr. Thompson currently serves as a member of the board of directors of Axcelis Technologies, Inc., ICO Global Communications, Penske Automotive Group, and Sonus Networks, Inc.

Mr. Thompson received his MBA from Harvard's Graduate School of Business and holds an undergraduate degree in chemical engineering from the University of Massachusetts.

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NATIONAL BROADBAND PLAN

An *Interstate FiberUtility* Discussion

December 2009

Agenda

I. Introduction

II. Current Situation

III. Solution Alternatives

IV. An *Interstate FiberUtility*

V. Q&A

Introduction

Fiberutilities Group (FG) is a professional utilities management company, assembled from a team of industry veterans with many years of industry experience under the leadership of:

Clark McLeod
Company Co-Founder

H. Brian Thompson
Company Co-Founder

Scot J. Eberle
President, Fiberutilities Group LLC

Our Goal

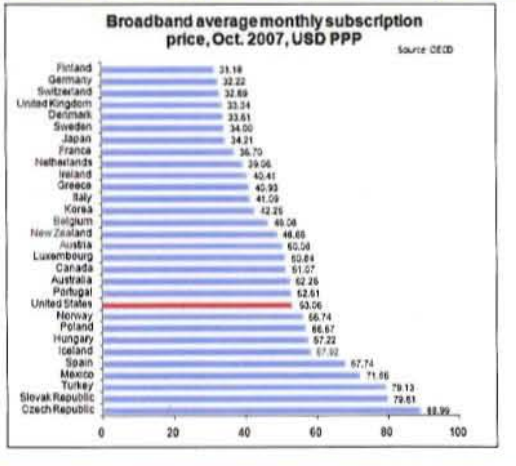
By 2015, the United States, the country that invented the Internet, will once again become the worldwide leader in broadband infrastructure – providing a 21st century stage to support innovation, broad based job growth and economic prosperity.

Our View of the Situation

- The USA is losing ground
- Many public purpose entities (government, healthcare, and education) are creating private networks because they are underserved by the market
- Broadband is expensive yet essential
- Current broadband options are inadequate

2008 ITIF Broadband Rankings[1]

Ranking[1]	Nation	Score on Specific Broadband Measures			Composite Score[4]
		Household penetration[2] (Subscribers per household)	Speed[3] (Average download speed in Mbps)	Price[4] (Lowest monthly price per Mbps) (US $ purchasing power parity)	
1	South Korea	0.93	49.5	0.37	15.92
2	Japan	0.55	63.6	0.13	15.05
3	Finland	0.61	21.7	0.42	12.20
4	Netherlands	0.77	8.8	1.90	11.77
5	France	0.54	17.6	0.33	11.59
6	Sweden	0.54	16.8	0.35	11.53
7	Denmark	0.76	4.6	1.65	11.44
8	Iceland	0.83	6.1	4.93	11.20
9	Norway	0.68	7.7	2.74	11.05
10	Switzerland	0.74	2.3	3.40	10.78
11	Canada	0.65	7.6	3.81	10.61
12	Australia	0.59	1.7	0.94	10.53
13	United Kingdom	0.55	2.6	1.24	10.30
14	Luxembourg	0.56	3.1	1.85	10.25
15	United States	0.57	4.9	2.83	10.25



Solution Alternatives

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Three Possible Approaches:

I. **Mandate telecommunication carriers** to become more efficient, lower their prices, and redefine their products

II. **Circumvent the carriers** and build private networks

III. **Devise an alternative outside of the existing carriers**

- Increase the supply of raw materials for broadband (I.e. dark fiber)
- Allow the marketplace to provide broadband, resulting in
  - ✓ lower pricing, higher speeds, symmetry, and neutrality

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*An **Interstate FiberUtility***

"The significant problems we face cannot be solved at the same level of thinking we were at when we created them." -- **Albert Einstein**

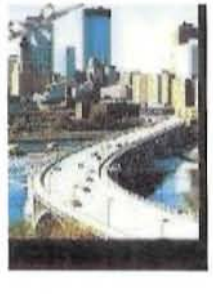
What is an *Interstate FiberUtility*?

- **Large count fiber optic cables** (dark fiber – no electronics) along National Highways – reaching within 5 miles of 90% of the US population
- **Dark Fiber strands leased to anyone** at cost – cover operating expenses only (estimated at $115M annually)
- Publicly owned essential Infrastructure for public use (anchor institutions, healthcare etc.) at a one-time cost of $20 billion

Building on Past Success

- The Eisenhower Interstate System was a public **Utility** created in the 1950's. It had a ***transformational affect*** on transportation, the country and on economic development

- A **Public Utility provides the public with essential infrastructure to enable essential services** (water, electricity, highways, and communications)
  - ✓ lower cost because it is shared
  - ✓ non discriminatory use
  - ✓ controlled by government regulation
  - ✓ critical to the economy
  - ✓ useful for defense



What it will NOT do

- **Replace carrier infrastructure** – it supplements, not replaces
- **Decrease competition** – it enables, not excludes
- **Increase prices** – it greatly increases the supply of infrastructure needed to provide services
- **Go everywhere** – it only covers 4% of all public roads (165 thousand of 4 million miles)
- **Connect everyone** – the first/last mile is left to private industry
- **Provide broadband services** – it is essential infrastructure that **enables** services, not provides them

What it WILL do

- Provide 21st century connectivity to nearly everyone and everywhere in the US by making broadband economical, efficient and ubiquitous
- Create lasting digital economy jobs and opportunity for workers everywhere
- Enable every first/last mile broadband strategy – wireline and wireless alike
- Electronically level the playing field for all businesses where ever located
- Secure the nation's dominant position in the world's economy

What do we ask of the FCC?

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- To make the ***Interstate FiberUtility*** part of the National Broadband Plan
- To actively promote the dark fiber connectivity concept at the national level
- To seek funding for deployment.

Questions

Questions?