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January 8, 2010

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation
GN Docket Nos. 09-47, 09-51, 09-137 National Broadband **Plan**

Dear Ms. Dortch:

On January 7, 2010, Marva Johnson, Vice President, Bright House Networks, Cody Harrison, regulatory counsel to Bright House Networks, and the undersigned met with the following members of the Broadband Task Force in a meeting convened by Tom Koutsky of the Task Force; William Dever, Thomas Koutsky, Albert Lewis, Marcus Maher, Jeremy Miller, Jonathan Reel, and Marvin Sacks.

We urged the Task Force to recommend that the FCC complete the 2008 Pole Attachment proceeding by applying the cable rate to attachments used by providers to deliver commingled services, including broadband and other converged services, under forbearance or other theories; and to re-affirm that the cable pole attachment rate fully compensates pole owners while at the same time promoting broadband adoption and deployment.

We further recommended that the FCC urge Congress to close the exemption from pole attachment rate regulation applicable to poles owned by municipalities and cooperatives. In particular, some cooperatives today have broadband services that compete with the services of attaching parties. These exemptions no longer make sense nor do they serve the aims of broadband adoption.

We attach a copy of the slide deck presented in connection with our meeting.

Pursuant to section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed electronically with the Office of the Secretary and served on the Commission participants in the meetings.

Should you have any questions regarding this matter, please contact the undersigned.

Sincerely,

Daniel L. Brenner

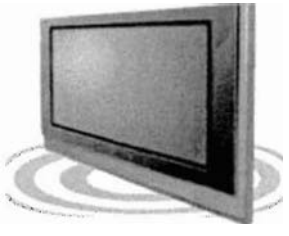
cc: William Dever
Thomas Koutsky
Albert Lewis
Marcus Maher
Jeremy Miller
Jonathan Reel
Marvin Sacks

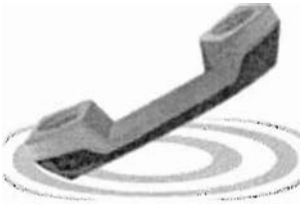
Enclosures

Bright House Networks

Meeting with FCC Broadband Task Force

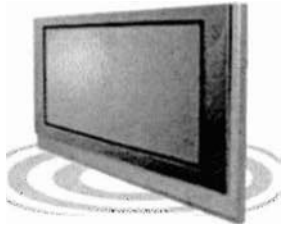
January 7th, 2010

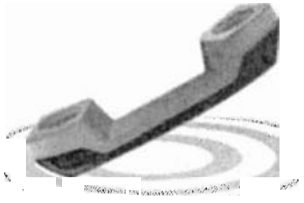




Background

- Bright House is more than just one of the nation's premier providers of video services…
  - Bright House is a full-service communications provider in FL, AL, CA, IN, and MI, with 2.4 million customers
    - Bright House is the 4th largest Managed Facilities Voice Network service providers in the state of Florida
  - J.D. Power and Associates 2009: Bright House's high-speed data services highest in customer satisfaction in the South region for the 2nd year in a row
  - J.D. Power and Associates 2009 : Bright House Voice highest in customer satisfaction in the South Region for the 4th time in a row





The National Broadband Plan

- Bright House is investing in its converged network which supports delivery of advanced broadband applications and services like VoIP, Wideband (DOCSIS 3), high-capacity services to small business and educational & healthcare institutions

- Pole attachments are essential inputs and critical to the network infrastructure over which broadband services are delivered - higher costs affect build-out

Power companies: redoubling efforts to escalate pole costs

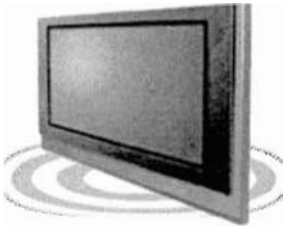
Munis, coops: now compete with pole attachers

No consumer, economic, or legal policy foundation for raising the cost

Reasonable pole attachments rates are essential to meet the goals of the National Broadband Plan

Goal: Recognize Converged Platform Without Raising Rates

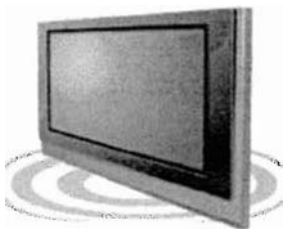
- **Raising pole rates would make it harder to build out both rural broadband and converged platform for business, school, health facilities**
- **Result: widening the Digital Divide rather than closing it**
  - If the increase in pole rents were allocated to each basic cable customer that is capable of receiving VoIP, the annual cost increase will range from $5.82 to $18.77 per cable customer (Pelcovits Study filed by NCTA)

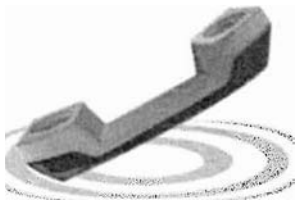


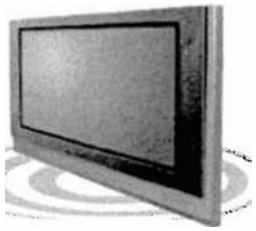
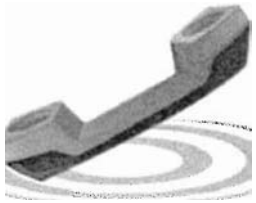
The Evolving Policy Landscape

- 1996 Changes to Sec. 224 contemplated bifurcated networks and created bifurcated policies
  - Telecommunications carriers to provide telecom service ("224(e) rate")
  - Cable Operator attachments for cable service ("224(d) rate");
  - What actually happened: BHN's broadband network investment enabled it to deliver advanced services like VoIP, high-capacity services to small business, educational & healthcare institutions

- FCC/Supreme court declared that commingled video-Internet services are subject to the cable rate
  - The classification of the attaching service provider, not the nature of the service is key (Gulf Power)





Broadband Enabling Policy Goals

- To meet the objective of creating the benefits of a 21st century communications network for our nation, the FCC should:
  - Recognize that 1996's "two sizes fit all" view needs to be reinterpreted to fit today's broadband-centric facilities
  - Complete the 2008 Pole Attachment proceeding by:
    - extending cable rate to attachments used by providers to deliver commingled services including broadband under forbearance or other theories
    - Affirming that lowest compensable attachment rate promotes broadband
  - Recommend Congress close muni, coop loophole. Rules that made sense 13 years ago don't make sense today.