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January 27, 2010

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

Ex Parte

Re: Notice of Ex Parte Presentation, A National Broadband Plan for Our Future, GN Docket No. 09-51; 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; and Petition for Declaratory Ruling That the Telecommunication Rate Applies to Cable System Pole Attachments Used to Provide Interconnected Voice over Internet Protocol Service, WC Docket No. 09-154.

Dear Ms. Dortch:

This is to notify you pursuant to Section 1.1206 of the Commission's Rules that Scott Liebel on behalf of Ameren Services Company; Brett Heather Freedson on behalf of CenterPoint Energy Houston LLC, Thomas Magee on behalf of the Coalition of Concerned Utilities; Jay Griles on behalf of Dominion; Aryeh Fishman and Greg Obenchain on behalf of the Edison Electric Institute; Allen F. Bell on behalf of Gulf Power Company; Eric O'Brien on behalf of Tampa Electric Company; Raymond Kowalski, and Charles Zdebski on behalf of Dominion and Ameren Services Company; Eric Langley on behalf of Oncor Electric Delivery Co., Florida Power & Light Co., Tampa Electric Co., and Progress Energy Florida, Inc.; and the undersigned on behalf of the Utilities Telecom Council (UTC) met yesterday with Marvin Sacks, Al Lewis, Bill Dever, Ian Dillner, Jeremy Miller and Jonathan Reel from the Wireline Competition Bureau and Nick Sinai and Tom Koutsky from the National Broadband Task Force in connection with the above-referenced proceedings.

During the meeting, the parties explained their issues with proposals on the record regarding standards, make ready, boxing, pole top attachments, third party contractors and an expedited dispute resolution for pole attachments. Specifically, the parties explained:

- (1) why the NESC is not a one size fits all answer that addresses ALL utility concerns;
- (2) how slow-moving attachers are the primary cause of make-ready delays;
- (3) why allowing attachers to hire make-ready contractors is a bad idea;
- (4) how boxing, extension arms and temporary attachments are bad practices
- (5) how attachers could speed up the process by participating in NJUNS or another joint use notification system;
- (6) why utility databases are not sufficient to enable attachers to estimate potential make-ready costs;
- (7) how wireless attachments are far more complex than standard wireline attachments;

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- (8) why the sins of ILEC pole owners should not be attributed to electric utilities which have no reason to discriminate; and
- (9) why enforcement mechanisms are needed to combat unauthorized attachments and safety violations.

If there are any questions concerning this matter, please let me know.

Very truly yours,

*Brett Kilbourne*

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cc: FCC Participants