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EX PARTE

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

RE: ***Broadband Pole Attachments, WC Docket No. 07-245***
National Broadband Plan, GN Docket No. 09-51
Petition of American Electric, et al, WC Docket No. 09-154

Dear Ms. Dortch:

On May 4, 2010, Paul Glist of Davis Wright Tremaine LLP and Steve Morris of the National Cable & Telecommunications Association (NCTA) met with Christi Shewman, Legal Advisor to Commissioner Baker, and Angela Kronenberg, Legal Advisor to Commissioner Clyburn, to discussion implementation of the pole attachment recommendations in the National Broadband Plan (the "Plan").

NCTA expressed its strong support for the Plan's recognition of the significant effect that pole attachment rates can have on broadband deployment and we encouraged the Commission act quickly on the Plan's recommendation to promote such deployment by allowing broadband providers to attach to poles at rates, terms, and conditions that are as low and close to uniform as possible. As the Supreme Court confirmed in the *Gulf Power* case, the Commission has significant discretion to set attachment rates for services, like broadband, that are not specifically addressed in the rate provisions of Section 224. In addition, as NCTA has explained in pleadings filed in each of the above-referenced dockets, the Commission possesses authority under Section 10 of the Act to forbear from application of the telecommunications rate formula and apply the cable rate formula instead.

NCTA also encouraged the Commission to deny the petition for declaratory ruling submitted last year by American Electric Power and other utilities in WC Docket No. 09-154. That petition proposes to raise the attachment rates for any cable operator providing either VoIP service or broadband service that enables a consumer to use VoIP service, an approach that is fundamentally inconsistent with the recommendations in the Plan. The Commission should take the opportunity to issue an order denying the petition and making clear that it is committed to implementing low attachment rates, as recommended in the Plan.

Please do not hesitate to call should you have any questions regarding this matter.

Respectfully submitted,

/s/ Steven F. Morris

Steven F. Morris

cc: C. Shewman
A. Kronenberg