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May 6, 2010

EX PARTE NOTICE

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 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 5, 2010, Mary McManus of Comcast Corporation and Wes Heppler of Davis Wright Tremaine LLP met with Christine D. Kurth, Policy Director and Wireline Counsel to Commissioner McDowell and with Henry Gola with the Office of Commissioner Baker. The purpose of these meetings was to discuss Commission implementation of the pole attachment recommendations set forth in the National Broadband Plan (the "Plan").

Comcast urged the Commission to swiftly implement the Plan's recommendation that "rates for pole attachments should be as low and as close to uniform as possible". Specifically, Comcast noted that the Supreme Court's *Gulf Power* decision provided clear precedent for the Commission to establish a unified rate for comingled services at the current cable pole attachment rate.

Comcast also emphasized that the cable pole attachment rate is the appropriate unified rate to advance the Commission's broadband deployment goal. As described in Comcast's comments in each of the above three referenced proceedings, the cable rate has been found to be fully compensatory by the Commission, the courts, and numerous state regulatory commissions. Comcast pointed out that the current cable rate is the *maximum* cable pole rate that is allowed under Section 224(d)(1), and that Section 224(d)(1) specifically allows for a far lower level of compensation to the utilities -- a rate that need only cover the additional cost of providing the pole attachments. Thus, the utilities continue to receive a pole rental rate far in excess of the

minimum compensatory rate allowed by Section 224. Comcast provided Ms. Kurth a listing of Commission, court, and state regulatory commission decisions confirming the reasonableness of the cable rate formula -- which listing has previously been filed as Appendix A to the National Cable and Telecommunications Association Comments in WC Docket No. 07-245. Additionally, Comcast provided Ms. Kurth and Mr. Gola with a copy of Exhibit 1 to Comcast's Comments previously filed in WC Docket No. 07-245. This Exhibit provides a listing of Commission decisions rejecting utility company arguments for increases in the cable pole rate.

Finally, Comcast urged the Commission to deny the Petition for Declaratory Ruling filed by American Electric Power and other utilities in WC Docket No. 09-154. The outcome sought in that Petition would dramatically increase pole attachment rates for virtually all cable broadband attachments -- in direct conflict with the Plan's finding that a uniform and low pole attachment rate is essential to encourage continued broadband deployment. Comcast noted that utility companies, in the absence of a specific Commission rejection of this Petition, have brought litigation in various state courts seeking to apply the telecommunications pole attachment rate to the delivery of VoIP services.

Please contact the undersigned should you have any questions regarding this matter.

Respectfully submitted,

Wesley R. Heppler

cc: Christine D. Kurth
Henry Gola