



December 20, 2010

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Portals II, Room TW-A325
Washington, DC 20554

Re: *Implementation of Section 224 of the Act, WC Docket No. 07-245; A National
Broadband Plan for Our Future, GN Docket No. 09-51*

Dear Ms. Dortch:

This is to inform you that on December 17, 2010, Glenn Reynolds and the undersigned of USTelecom, met with Jonathan Reel, Jeremy Miller and Wes Platt of the Wireline Competition Bureau (Bureau) in connection with the proceedings identified above.

During the meeting, USTelecom discussed pole attachment access issues with the Bureau staff, including Federal Communications Commission (Commission) proposals relating to access timelines, use of outside contractors and pole administration for jointly owned poles. USTelecom recommended that any timelines should be flexible and include reasonable mechanisms to enable adjustments in instances where modifications are necessary. USTelecom also pointed out to Bureau staff that if any rules regarding use of outside contractors are adopted, they should be flexible and uniformly applied to all pole owners, regardless of industry distinctions.

The attached presentation was used to guide our discussion. Please include this ex parte in the record of the above-referenced proceedings.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Kevin G. Rupy".

Kevin G. Rupy

cc: Jonathan Reel
Jeremy Miller
Wes Platt



We are Broadband.

Amendment of the Commission's Rules and Policies Governing Pole Attachments WB 07-245

Ex Parte Notice

Meeting With Wireline Competition Bureau

December 17, 2010



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Access Issues

Timelines

Timelines adopted by the FCC should be flexible and subject to reasonable exceptions.

- **Reasonable** mechanisms established.
 - Acknowledge instances where timeline adjustments are necessary (e.g., number of attachments requested, complexity of request, need for multiparty coordination).
- **Retain** forty-five day deadline for responding to pole and conduit access applications.
- **Implement** 14 day deadline to accept tendered estimate.
- **Revise** proposed forty-five day timeframe for completing make ready work.
 - Slight change in timeline more closely matches time typically needed to complete non-pole replacement make ready work.
 - Can be easily accomplished without materially increasing overall proposed timeline.

Timelines

Stage #	Stage Description	Number of Days		
		FCC Proposal	USTelecom Proposal	
1	Survey	45	45	Combine Survey and Estimate stage into single 45 day timeframe.
2	Estimate	14		
3	Attacher Acceptance	14	14	
4	Performance	45	60	Add 15 days to performance stage.
5	Multiparty Coordination	30	30	
Total Number of Days		148	149	No material increase in overall timeline.

Use of Outside Contractors

If any rules regarding use of outside contractors are adopted, they should be flexible and uniformly applied to *all* pole owners, regardless of industry distinctions.

- Substantial safety concerns should inform any FCC action.
 - Safety concerns cited by FCC in applying rules to ELCO pole owners are identical, and equally relevant, to ILEC pole owners.
- Absence in marketplace, or the record, of any need for such a distinction.
- Equal application of any FCC contractor related rules would:
 - Ensure uniformity of process, and
 - Safeguard oversight of critical infrastructure resources by pole owners.
- Self-regulating states do not differentiate between ILECs and ELCOs with respect to contractors (e.g., Oregon [860-028-0100(6)]; Vermont [3.708(G)]).

Use of Outside Contractors

Any rules regarding use of outside contractors should acknowledge existing labor obligations of many ILECs.

- ILECs constitute some of the largest unionized labor employers in the country.
- Labor related to pole attachments is often covered by existing union contracts.
- Mandated use of outside contractors may implicate terms of existing labor agreements, since they would likely result in shifting work from unionized workers to non-unionized contractors.

Pole Administration.

Existing coordination between Joint Pole Owners/Users and attachers, is preferable to adoption of a single POC for poles.

- Improves coordination/communication between all parties.
- Prevents confusion between Joint Pole Owners/Users.
- Any one pole owner lacks the ability to control the actions of the other pole owner or existing attachers.
- Absence in marketplace, or the record, of differing degrees of delay between jointly used poles versus jointly owned poles.