



March 1, 2011

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 February 28, 2011, Glenn Reynolds and the undersigned of USTelecom, met with Margaret McCarthy of Commissioner Michael J. Copps' office in connection with the proceedings identified above. During the meeting, USTelecom discussed pole attachment rate and access issues.

USTelecom emphasized that by far the most important steps the Commission could take in this proceeding to facilitate broadband deployment would be to implement the recommendation of the National Broadband Plan to ensure that pole attachments rates for all attachers, including ILECs, are "as low and close to uniform as possible."¹ Indeed, ensuring that ILECs are afforded the protections of just and reasonable rates, terms, and conditions, as required under Section 224(b) of the Act, is the one policy objective the Commission could implement in the proceeding to significantly improve the economics of rural broadband deployment.

USTelecom highlighted the Commission's finding in its National Broadband Plan that rate disparity in pole attachments is particularly acute in rural areas where there are fewer homes per mile of plant. The National Broadband Plan concluded that if lower cable rates were applied to attachers, the typical monthly price of broadband for some rural consumers "could fall materially."²

USTelecom also emphasized some of the points raised in its prior advocacy in this proceeding. In particular, USTelecom noted that the Commission has a statutory obligation to ensure just and reasonable pole attachment rates, terms and conditions for all attachers, including Incumbent Local Exchange Carriers.³ USTelecom also dismissed erroneous assertions from the

¹ National Broadband Plan, Recommendation 6.1, p. 110.

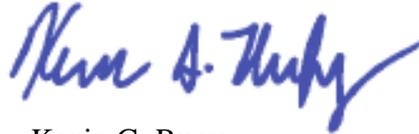
² National Broadband Plan, p. 110.

³ See e.g., USTelecom Comments, WC Docket No. 07-245, pp. 16 – 18 (Aug. 16, 2010).

utility industry regarding the full scope of the Commission's authority and appropriate statutory interpretation.⁴

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin G. Rupy", with a stylized flourish at the end.

Kevin G. Rupy

cc: Margaret McCarthy

⁴ See, USTelecom Ex Parte, WC Docket No. 07-245 (Feb. 16, 2011).