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March 4, 2011

Electronic Submission

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

EX PARTE

Re: Implementation of Section 224 of the Act (WC Docket No. 07-245);
Petition for Rulemaking of Fibertech Networks (RM-11303);
United States Telecom Association Petition for Rulemaking to Amend
Pole Attachment Rate Regulation and Complaint Procedures (RM-11293)

Dear Ms. Dortch:

On March 4, 2011, William Brown and the undersigned met with Al Lewis, Marcus Maher, Marvin Sachs, Dick Kwiatkowski (via telephone) and Christi Shewman of the Wireline Competition Bureau regarding the above-referenced proceedings.

AT&T proposed that the impending Commission Order in these proceedings should acknowledge the wide scope of the FCC's authority over pole attachment issues; create a uniform and low broadband attachment rate or rate formula available to all categories of broadband attachers; and amend the Commission's pole attachment rules to provide ILECs the right to bring complaints regarding unjust and unreasonable rates before the Commission.

The Commission has the authority to adopt a uniform broadband pole attachment rate or rate formula under 47 U.S.C. §224. As the Supreme Court decision in *NCTA v. Gulf Power Co.* confirmed, the Commission has the responsibility to ensure that the rates, terms, and conditions for pole attachments are just and reasonable and has expansive authority to prescribe pole attachment rates in order to promote broadband deployment. In so doing the Commission should extend to ILECs the protections in section 224(b)(1) of just and reasonable pole attachment rates, terms, and conditions. As a "provider of telecommunications," ILECs are entitled to such protections under the plain language of section 224. Further, §706 directs the Commission to use its powers, which perforce include the power to regulate and to adopt rules under Section 224 (b), to further the Congressional goal of promoting advanced telecommunications.

Pursuant to section 1.1206 of the Commission's Rules, this letter is being filed electronically with the Commission.

If you have any questions, please do not hesitate to contact me at (202) 457-3031.

Sincerely,

/s/ Jay Bennett

cc: D. Kwiatkowski
A. Lewis
M. Maher
M. Sachs
C. Shewman

Your submission has been accepted

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Proceeding

Name	Subject
07-245	Implementation of Section 224 of the Act Amendment of the Commission's Rules and Policies Governing Pole Attachments

Contact Info

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Details

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Ex parte 03-04-2011 Pole Attachment.pdf		18 KB

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