



*The Telecommunications and Information
Technology Association for Utilities, Pipelines,
And Other Critical Infrastructure Companies*

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March 23, 2011

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

Ex Parte

Re: Notice of Ex Parte Presentation -- 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 notify you pursuant to Section 1.1206 of the Commission's Rules that Brett Kilbourne from the Utilities Telecom Council (UTC) met with Sharon Gillett, Marcus Maher and William Dever from the Wireline Competition Bureau and Zac Katz, Legal Advisor for Wireline Communications, International and Internet Issues to FCC Chairman Julius Genachowski on March 22, 2011 in connection with the above-referenced proceedings. The discussions during the meeting were consistent with the comments on the record filed by the Edison Electric Institute and the Utilities Telecom Council.

Specifically, UTC explained that any make ready deadlines must include provisions to stop the clock during emergencies and for circumstances beyond utilities' control, such as delays caused by existing attachers. UTC opposed regulated rates for ILECS, which is contrary to the statute and congressional intent and would undermine critical infrastructure by abrogating joint use agreements that are fundamentally based upon cost sharing and parity of pole ownership. Finally, UTC opposed regulations that would require utilities to provide pole top access for wireless attachments, which present unique issues with regard to safety and reliability.

Instead of these specific requirements, UTC urged the FCC to continue to rely on general guidelines, subject to review by the FCC in a complaint proceeding. UTC explained that guidelines would help provide flexibility to account for unique issues with regard to pole attachments and that a complaint proceeding would provide regulatory review under which all of the facts and circumstances unique to a dispute could be considered.

Respectfully,

Brett Kilbourne

cc: Zac Katz
Sharon Gillett
Marcus Maher
William Dever