



March 29, 2011

**EX PARTE**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> 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 March 29, 2011, Walter McCormick, Jonathan Banks, and Glenn Reynolds of USTelecom, met with Commissioner Copps and his Policy Advisor, Margaret McCarthy, in connection with the proceedings identified above.

USTelecom emphasized that by far the most important step 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.”<sup>1</sup> Indeed, ensuring that ILECs are afforded the same protections of just and reasonable rates, terms, and conditions under Section 224(b) of the Act as are its broadband competitors is the only policy objective the Commission could implement in this proceeding to significantly improve the economics of rural broadband deployment. Failure to do so would not only be affirmatively harmful to continued rural broadband deployment, but would also impose unnecessary costs on the Commission’s proposed Connect America Fund and leave rural America paying broadband costs that are *unnecessarily* higher than in urban and suburban areas of the country. Indeed, an increased disparity between the pole attachment rates paid by cable and CLEC attachers, and those paid by ILECs, will simply serve to accentuate the differences in broadband accessibility in rural area when compared to urban/suburban areas.

It is for precisely these reasons that the National Broadband Plan recommended that the Commission “establish rental rates for pole attachments that are as low and close to uniform as possible...to promote broadband deployment.” In particular, USTelecom highlighted the Commission’s finding in the 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

---

<sup>1</sup> National Broadband Plan, Recommendation 6.1, p. 110.

Ms. Marlene H. Dortch  
March 29, 2011  
Page 2 of 2

price of broadband for some rural consumers “could fall materially.”<sup>2</sup> The Commission should not fail to implement the recommendations of the National Broadband Plan here and thereby miss one of its best opportunities to increase broadband availability to all Americans.

USTelecom also addressed 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.<sup>3</sup> USTelecom also dismissed erroneous assertions from the utility industry regarding the full scope of the Commission’s authority and appropriate statutory interpretation.<sup>4</sup>

Pursuant to Commission rules, please include this notice in the dockets for the proceedings identified above.

Sincerely,



Glenn Reynolds

c: Margaret McCarthy

---

<sup>2</sup> National Broadband Plan, p. 110.

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

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