

March 31, 2011

**VIA ECFS**

***EX PARTE***

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW, 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:

Yesterday, I communicated by telephone with Zac Katz, legal advisor to Chairman Julius Genachowski, Angie Kronenberg, legal advisor to Commissioner Mignon Clyburn, and Christi Shewman of the Wireline Competition Bureau. Today, I communicated by telephone with Margaret McCarthy, legal advisor to Commissioner Michael Copps, Brad Gillen, legal advisor to Commissioner Meredith Attwell Baker, and Christine Kurth, legal advisor to Commissioner Robert McDowell. I argued that the Commission should be careful not to define the circumstances in which the mandatory make-ready timeline applies so narrowly that the timeline would not apply to a significant percentage of pole attachment requests. In addition, I stated that it makes no sense to exclude larger pole access requests entirely from the mandatory timeline requirement. Instead, the Commission should simply lengthen the mandatory timeline for larger jobs. In this regard, I stated that tw telecom supports the Windstream compromise, sliding-scale proposal under which requests (or presumably combinations of requests from the same party within a 30 day time period) for access to (1) 350 or fewer poles would be subject to the mandatory timeline, (2) 351-1,000 poles would be subject to the mandatory timeline, plus an additional 30 days, and (3) more than 1,000 poles would be subject to the mandatory timeline, plus an additional 60 days.

Please do not hesitate to contact me at (202) 303-1111 if you have any questions or concerns about this submission.

Respectfully submitted,

/s/ Thomas Jones  
Thomas Jones  
*Counsel for tw telecom inc.*

cc (via email): Zac Katz

Angie Kronenberg  
Margaret McCarthy  
Brad Gillen  
Christine Kurth  
Christi Shewman