

EX PARTE OR LATE FILED

ORIGINAL

March 23, 2011

**EX PARTE NOTICE**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

FILED/ACCEPTED

MAR 23 2011

Federal Communications Commission  
Office of the Secretary

**Re: Broadband Pole Attachments, WC Docket No. 07-245  
National Broadband Plan, GN Docket No. 09-51**

Dear Ms. Dortch:

On March 22, 2011, Mary McManus of Comcast Corporation and Wes Heppler of Davis Wright Tremaine LLP met with Angela Kronenberg, Legal Advisor, Wireline to Commissioner Clyburn. The purpose of this meeting was to discuss Comcast's filings in the above captioned proceedings.

During the meeting, Comcast expressed its support for the telecommunications pole rate formula proposed in the *Further Notice of Proposed Rulemaking (FNPRM)*. We emphasized that the Section 224(d) cable pole attachment rate has been found to be fully compensatory by the Commission, the courts, and numerous state regulatory commissions. We further noted that despite a specific request in the *FNPRM*, the electric utility industry had failed to provide any information or data supporting the contention that additional capital expenditures had been made by utilities solely to accommodate third party attachers. Comcast also supported the *FNPRM*'s conclusion that the proposed lower-bound telecommunications pole rate formula is fully consistent with the statutory requirements of Section 224.

We also discussed Comcast's concerns regarding the *FNPRM*'s proposals to revise both the unauthorized attachment penalty fee standards and the right of third party attachers to "sign

Ms. Marlene H. Dortch

March 23, 2011

Page 2

and sue” under a pole attachment agreement. Comcast emphasized that the evidence in the record did not support revision of either of these two Commission policies and we pointed to the March 7, 2011 ex parte filing of Progress Energy stating: “Most licensees either construct their facilities in compliance with the NESC and Progress Energy specification in the first instance or timely correct any violations found during post-attachment inspection.” In light of this statement and other significant evidence submitted in the *FNPRM* proceeding, Comcast stressed that the Commission should maintain its current unauthorized attachment fee and sign and sue policies.

Please contact the undersigned should you have any questions regarding this matter.

Respectfully submitted,



Wesley R. Heppler

cc: Angela Kronenberg