



November 13, 2018

Ex Parte Notice

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

RE: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84*

Dear Ms. Dortch:

On Thursday, November 8, 2018, the undersigned and Brian Ford on behalf of NTCA–The Rural Broadband Association (“NTCA”)¹ held separate meetings to discuss the above-referenced Federal Communications Commission (“Commission”) proceedings. Specifically, NTCA met with (1) Will Adams, Legal Advisor in the office of Commissioner Brendan Carr and (2) Erin McGrath Legal Advisor, Wireless, Public Safety and International, and Kagan Despain, Intern, in the office of Commissioner Michael O’Rielly.

NTCA first indicated support for efforts by the Commission to address unreasonable barriers to access to public rights-of-way (“ROWS”) necessary for the provision of communications services. NTCA members have led the charge in deploying broadband-capable infrastructure in rural areas, delivering upgraded broadband capabilities to households, businesses, schools, libraries and hospitals in areas with low population densities, challenging geographic terrain, and short construction seasons. While the business case for deployment of rural broadband infrastructure is difficult enough in deeply rural areas, adding in excessive fees beyond those reasonably necessary for state and local jurisdictions to recoup costs or enforcing ROW provisions that invite excessive construction delays can exacerbate the costs for deployment and/or the time required for upgrading of existing facilities. NTCA noted that such barriers may include, for example, state statutes and local ordinances to the extent they enable railroads to act as “gatekeepers” with respect to crossings in public ROWs.²

¹ NTCA represents approximately 850 independent, community-based telecommunications companies and cooperatives and more than 400 other firms that support or are themselves engaged in the provision of communications services in the most rural portions of America. All of NTCA’s service provider members are full service rural local exchange carriers and broadband providers, and many provide fixed and mobile wireless, video, satellite and other competitive services in rural America as well.

² *Ex Parte* Letter, NTCA–The Rural Broadband Association, WC Docket Nos. 17-84 and 17-79 (fil. Sept. 6, 2018).

NTCA further observed that Section 253 of the Communications Act, as amended (the “Act”), provides authority for the Commission to address concerns of this kind. Indeed, the legal reasoning underpinning a recent Declaratory Ruling³—while focused primarily upon small cell wireless infrastructure—governs with equal force in the context of all kinds of network facilities and technologies, wireline and wireless network facilities alike. NTCA therefore encouraged the Commission to continue to consider means of advancing deployment of communications infrastructure through the authority it has been provided under the Act.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS.

Sincerely,
/s/ Michael Romano
Michael Romano
Senior Vice President – Industry Affairs
and Business Development
NTCA-The Rural Broadband Association

cc: Will Adams
Erin McGrath
Kagan Despain

³ *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Declaratory Ruling and Third Report and Order, FCC 18-133 (rel. Sept. 27, 2018).