



July 20, 2022

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation, Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84.

Dear Ms. Dortch:

On July 18, 2022, Brett Kilbourne, Eric Wagner and Campbell Baskin from the Utilities Technology Council (“UTC”); Aryeh Fishman from the Edison Electric Institute (“EEI”); Brian O’Hara from the National Rural Electric Cooperative Association; and Brett Heather Freedson on behalf of Dominion Energy and Xcel Energy (collectively, “the Utility Parties”) met with Ramesh Nagarajan, Legal Advisor for Wireline and Enforcement in the Office of Chairwoman Rosenworcel and Joel Rabinovitz, Attorney in the Office of General Counsel of the Federal Communications Commission (“Commission” or “FCC”). The purpose of the meeting was to discuss the Motion for Extension of Time filed by the American Public Power Association (“APPA”), EEI, NRECA and UTC.¹ The substance of the discussion was consistent with the arguments in the Motion for Extension of Time, which was supported by several parties on the record in this proceeding.²

¹ Motion for Extension of Time of the American Public Power Association, the Edison Electric Institute, the National Rural Electric Cooperative Association, and the Utilities Technology Council in WC Docket No. 17-84 (filed July 11, 2022).

² See Response in Support of Motion for Extension of Time by Southern Company, Oncor Electric Delivery Company LLC, Entergy Corporation, Duke Energy Corporation, American Electric Power Service Corporation and Ameren Service Company in WC Docket No. 17-84 (Jul. 12, 2022); Letter from Morgan Reeds, Director Policy & Advocacy at USTelecom – the Broadband Association to Marlene H. Dortch, Secretary, Federal Communications Commission in WC Docket No. 17-84 (filed July 13, 2022)(supporting the Motion for Extension of Time); Letter from David Rines, counsel for Dominion Energy and Xcel Energy to Marlene H. Dortch, Secretary, Federal Communications Commission in WC Docket No. 17-84 (filed Jul. 13, 2022)(supporting the Motion for Extension of Time); and Letter from Thomas Magee, counsel for the Coalition of Concerned Utilities to Marlene H. Dortch, Secretary, Federal Communications Commission in WC Docket No. 17-84 (filed Jul. 13, 2022)(supporting the Motion for Extension of Time). The Coalition of Concerned Utilities is composed of the following electric utility pole owners: The AES Corporation (AES Indiana and AES Ohio), Arizona Public Service Company, Evergy, Inc. (Evergy Metro, Evergy Kansas Central, Evergy Missouri West, Evergy Kansas South), Eversource Energy (Connecticut Light & Power, NSTAR Electric, Public Service of New Hampshire), Exelon Corporation (Atlantic City Electric, Baltimore Gas and Electric, Commonwealth Edison, Delmarva Power, PECO, and Pepco), FirstEnergy Corp. (Jersey Central Power & Light, Metropolitan Edison, Monongahela Power, Ohio Edison, Penelec, Penn Power, Potomac Edison, Toledo Edison, West Penn Power, and The Cleveland Electric Illuminating Company), The Hawaiian Electric Companies (Hawaiian Electric Company, Inc., Maui Electric Company, Limited, Hawaii Electric Light Company, Inc.), Minnesota Power, NorthWestern Energy, PPL Electric Utilities, San Diego Gas & Electric Company, UNS Energy Corporation (Tucson Electric Power Company and UNS Electric, Inc.), and WEC Energy Group (Wisconsin Electric Power Company and Wisconsin Public Service Corporation)

The Utility Parties very much appreciate that the Commission has now provided stakeholders an additional thirty (30) days to address the multitude of new issues raised in initial comments. However, the inability of stakeholders to review, analyze, and prepare responsive comments with respect to the data and policy arguments presented in Charter Communications' initial comments and Economist White Paper remains problematic. The redacted material addresses issues that are central to the rulemaking, and utilities and other parties are unable to effectively respond unless the redacted material is publicly disclosed or otherwise made available to the parties to the proceeding. It was not until July 19, 2022 – three weeks into the reply comment period – that Charter's written request for confidential treatment was viewable in the public record, and the Utility Parties continue to question the legal basis for Charter's request, as other stakeholders have filed similar information publicly. This is also contrary to the Administrative Procedure Act, and effectively deprives the other parties of due process. The Utility Parties respectfully request that the Commission act promptly on Charter's confidentiality request, and if the redacted information is determined to be relevant (i) establish a process whereby stakeholders can access the redacted information for review and comment; and (ii) provide a further extension of time that enables stakeholders to address the redacted information in their reply comments.

Thank you for your help in this matter. If there are any questions, please contact the undersigned.

Sincerely,

UTILITIES TECHNOLOGY COUNCIL

s/ Brett Kilbourne

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cc: Ramesh Nagarajan
Joel Rabinovitz