



July 14, 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 12, 2022, Brett Kilbourne and Campbell Baskin from the Utilities Technology Council (“UTC”); Aryeh Fishman from the Edison Electric Institute (“EEI”); Katie Culleton from the National Rural Electric Cooperative Association; Brett Heather Freedson on behalf of Dominion Energy and Xcel Energy; Eric Langley on behalf of Southern Company, Oncor Electric Delivery Company LLC, Entergy Corporation, Duke Energy Corporation, American Electric Power Service Corporation and Ameren Services Company (collectively, “the Utility Parties”) met with Emily Caditz, Matthew Collins, Adam Copeland and Michael Ray from the Wireline Competition Bureau 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.<sup>1</sup> The substance of the discussion was consistent with the arguments in the Motion for Extension of Time, and several parties have subsequently filed on the record in support of granting the Motion.<sup>2</sup>

---

<sup>1</sup> 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).

<sup>2</sup> 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, Eversource Energy, Inc. (Eversource Metro, Eversource Kansas Central, Eversource Missouri West, Eversource 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

During the meeting the Utility Parties urged the Commission to grant a 60-day extension of time of the deadline for filing reply comments in response to the *Second Further Notice of Proposed Rulemaking* in the proceeding.<sup>3</sup> The Utility Parties explained that a 60-day extension of time is necessary to have a meaningful opportunity to reply to the initial comments which propose new rules and introduce new studies and declarations that were not raised in the *FNPRM* or previously filed on the record. They also explained that some of the material in the initial comments was redacted for confidential treatment, which compounds the difficulty of responding to these comments in reply comments. This 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 is not clear why this information was redacted, because apparently no statement of the reasons for withholding the information was filed with the redacted materials, contrary to section 0.459 of the Commission's rules. This is also contrary to the Administrative Procedure Act, and effectively deprives the other parties of due process. Therefore, in addition to the requested extension of time, the Utility Parties requested that the Commission toll the reply comment period until the Commission determines whether to grant confidential treatment of the redacted material, and if confidential treatment is granted, develops a process whereby interested parties can obtain access to the protected information for review and analysis.

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

Sincerely,

UTILITIES TECHNOLOGY COUNCIL

s/ Brett Kilbourne

Brett Kilbourne  
Senior Vice President Policy and General Counsel  
Utilities Technology Council  
2550 South Clark Street, Suite 960  
Arlington, VA 22202  
202-872-0030

cc: FCC participants  
Ramesh Nagarajan  
Joel Rabinovitz

---

Company and Wisconsin Public Service Corporation)

<sup>3</sup> Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, *Second Further Notice of Proposed Rulemaking*, WC Docket No. 17-84 (rel. Mar. 18, 2022)(hereinafter "*FNPRM*")