



Comcast Corporation
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Washington, DC 20001

October 14, 2016

VIA ECFS

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

Re: *Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-25; Business Data Services in an Internet Protocol Environment, WC Docket No. 16-143; Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans, WC Docket No. 15-247; Protecting the Privacy of Customers of Broadband and Other Telecommunications Services, WC Docket No. 16-106*

Dear Ms. Dortch:

On October 12, 2016, the undersigned of Comcast Corporation (“Comcast”) spoke by telephone with Matthew DelNero, Chief of the Wireline Competition Bureau, in connection with the above-referenced proceedings.

On the topic of business data services (“BDS”), I noted that the current record cannot support a finding that all BDS products are offered on a common carrier basis, as explained at length in Comcast’s letter of October 5.¹ I also expressed Comcast’s agreement with the conclusion in the Commission’s October 7 Fact Sheet on BDS that it is not necessary and would be counterproductive to subject Ethernet services to *ex ante* rate regulation, in light of clear record evidence of “emerging competition and falling prices” in the Ethernet segment.² Moreover, I explained that evidence of an increasingly competitive BDS marketplace also militates in favor of trading lightly in applying rate regulation to incumbent local exchange carriers’ TDM offerings.

¹ See generally Letter of Matthew A. Brill, Counsel for Comcast, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 05-25, 15-247, and 16-143 (filed Oct. 5, 2016).

² Fact Sheet, “Chairman Wheeler’s Proposal To Promote Fairness, Competition, and Investment in the Business Data Services Market,” at 2 (Oct. 7, 2016), *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db1007/DOC-341659A1.pdf.

We also discussed the need for the Commission to harmonize its new broadband privacy rules with the Federal Trade Commission’s privacy framework, including: (i) applying the sensitivity-based approach so that use of non-sensitive web browsing history and apps usage history is subject to opt-out consent, (ii) making clear that, as stated in the Chairman’s Fact Sheet on privacy, the new rules “[d]o not regulate other services of broadband providers, such as operation of a social media website,”³ and (iii) not defining IP addresses or other device IDs as sensitive data.

Please contact the undersigned if you have any questions regarding this submission.

Respectfully submitted,

/s/ Kathryn A. Zachem

Kathryn A. Zachem
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cc: Matthew DelNero

³ Fact Sheet. “Chairman Wheeler’s Proposal To Give Broadband Consumers Increased Choice Over Their Personal Information,” at 4 (Oct. 6, 2016), *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db1006/DOC-341633A1.pdf.