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

**Re: Notification of Ex Parte Presentation of the National Cable & Telecommunications Association, GN Docket Nos. 14-28, 10-127**

Dear Ms. Dortch:

On October 29, 2014, Rocco Commisso (Chairman and CEO of Mediacom Communications Corporation), Steve Miron (CEO of Bright House Networks), Jerry Kent (Chairman and CEO of Suddenlink Communications), Tom Rutledge (President and CEO of Charter Communications), Michael Powell (President and CEO of NCTA), and I met with Commissioner Clyburn and her Legal Advisor, Rebekah Goodheart, and, in a separate meeting, with Philip Verveer (Senior Counsel to Chairman Wheeler) and Jonathan Sallet (General Counsel), to discuss issues in the above-referenced proceedings.

At the meetings, we reiterated that the Commission's consideration of further open Internet rules in light of the *Verizon* decision[1] should be guided by the basic principles set forth in NCTA's comments and reply comments in this proceeding, which enjoy broad support in the record. In particular, we urged the Commission to rely on its authority under Section 706 of the Telecommunications Act of 1996 as the basis for new open Internet rules and to reject proposals to reclassify any component of broadband Internet access under Title II, including various so-called "hybrid" approaches.

The company CEOs stressed that a light regulatory touch has been critical to their ability to attract capital and make the massive investments that have resulted in the enormous and constantly expanding capabilities of their capital-intensive networks. They expressed their concern that a dramatic shift to Title II classification and regulation would create significant uncertainty and would seriously undermine the ongoing network investments necessary to fuel the "virtuous cycle" of deployment, innovation, and adoption that the Commission has long sought to promote. The possible availability of Commission "forbearance" regarding some of the regulatory requirements of Title II would not, in their view, alleviate their concern. They

[1] *Verizon v. FCC*, 740 F.3d 623 (D.C. Cir. 2014), *affirming in part, vacating and remanding in part*, *Preserving the Open Internet; Broadband Industry Practices*, Report and Order, 25 FCC Rcd 7905 (2010).

noted that that relief via forbearance would be a long and uncertain process that would create a permanent cloud over the industry.

Moreover, they expressed their concern that certain collateral effects of Title II classification may be beyond the reach of Commission forbearance – such as, in particular, state and local taxes that apply to utilities and telecommunications services but have not applied to broadband services as currently classified. These effects would, they said, raise prices, hurt broadband adoption and slow investment.

There is no reason, the CEOs argued, to put into play all these risks and harmful effects of Title II regulation in order to protect against Internet blocking and hypothetical "fast and slow lanes." There is no history of, or reason to expect, blocking by ISPs, and the CEOs made clear not only that they do not offer or engage in paid prioritization with respect to broadband Internet access, but also that they have no business plans that support such a model. They explained that customers demand an open Internet experience and that, wholly apart from any rules and regulations, marketplace forces compel their companies to focus on meeting that customer demand. But even if the threat of blocking and paid prioritization were deemed sufficiently real to warrant regulation, the Commission would, as the CEOs pointed out, have ample authority under section 706 to restore rules protecting against such conduct.

Respectfully,

**/s/ James Assey**

James Assey

cc: Commissioner Clyburn
P. Verveer
J. Sallet
R. Goodheart