



November 14, 2014

**Ex Parte**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Dear Ms. Dortch:

Re: Open Internet, GN Docket No. 14-28

On Friday, November 14, 2014, James Assey (NCTA), Kathy Zachem (Comcast), Catherine Bohigian (Charter), Steven Teplitz (TWC), Barry Ohlson (Cox), Emmett O'Keefe (Cablevision), Genny Morelli (ITTA), Matt Polka (ACA), Melissa Newman (CenturyLink), and I met with FCC Chairman Tom Wheeler and Gigi Sohn, Matthew DelNero, Stephanie Weiner, and Eric Feigenbaum to discuss the Commission's pending Open Internet proceeding. Our discussion focused on approaches for the Commission to put in place strong and lasting rules to protect today's open Internet. We discussed basing such rules on section 706, Title II and on hybrid approaches. We discussed the viability of using forbearance as a tool to properly tailor Title II should broadband be reclassified as a Title II service. We pointed out that reclassification raises implications beyond Title II and outside of the Commission's ability to forbear, including in international arenas, on federal, state and local tax laws, on the jurisdiction of federal agencies and on state communications regulation. We also discussed the possibility that forbearance could be altered or reversed by future commissions, heightening the uncertainties of using forbearance as a linchpin. Finally, we urged the Commission to consider the potential effects of placing the retail broadband service offerings of smaller companies striving to deliver broadband in rural areas under common carrier-type regulation.

Pursuant to Commission rules, please include this ex parte letter in the above-identified proceeding.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan Banks".

Jonathan Banks  
Senior Vice President, Law & Policy

c: Gigi Sohn  
Matthew DelNero  
Stephanie Weiner  
Eric Feigenbaum  
Dan Alvarez