



February 12, 2015

Ex Parte notice

Ms. Marlene H. Dortch
Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Protecting and Promoting the Open Internet*, GN Docket No. 14-28
Universal Service Contribution Methodology, WC Docket No. 06-122

Dear Ms. Dortch:

On February 10, 2015, the undersigned, on behalf of the Ad Hoc Telecommunications Users Committee (“Ad Hoc”), met with Commissioner Mignon Clyburn, Rebekah Goodheart, Wireline Legal Advisor, and Carter McMillan, Legal Clerk, concerning matters covered in the above-captioned proceedings.¹

The primary purpose of the meeting was to discuss the attendees’ support for the reclassification of broadband Internet access as a Title II service² and the protection of points of interconnection to broadband Internet access providers’ networks in the rules adopted by the Commission in its forthcoming Order in the Open Internet proceeding.

In addition, Ad Hoc separately reiterated its position that the Commission should apply Section 254 of the Act to broadband Internet access service if the Commission reclassifies the service as Title II telecommunications. Forbearance from enforcement of Section 254 with respect to broadband Internet access service would undermine the Commission’s long-standing effort to reform the USF contribution methodology by (i) discriminating unreasonably against customers of other Title II services; (ii) creating significant legal uncertainty about the Commission’s ability to assess carrier revenues for broadband Internet access under the current contribution methodology; and (iii) effectively eliminating two of the three options the Commission has identified for reforming the contribution methodology.

¹ Also in attendance were representatives from Cogent Communications Group, Inc., Comptel, Computer & Communications Industry Association, Free Press, the Internet Freedom Business Alliance, Level 3 Communications, LLC, New America Foundation’s Open Technology Institute, and Netflix, Inc. who will be filing a separate joint *Ex Parte* notice in GN Docket No. 14-28.

² Comments of the Ad Hoc Telecommunications Users Committee on the NPRM, GN Docket No. 14-28 (filed Jul. 18, 2014) at 2-7.



The record in the separate contribution methodology proceeding is well-developed and ripe for action. Ad Hoc urged the Commission not to foreclose reform options under consideration in the contribution methodology proceeding by forbearing from application of Section 254 to broadband Internet access in this Open Internet proceeding.

Pursuant to Section 1.1206(b) of the Commission's Rules, this letter is being filed electronically in the above-referenced proceedings. Please feel free to contact me with any questions or concerns regarding this filing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Brown', with a long, sweeping flourish extending to the right.

Andrew M. Brown
Counsel, Ad Hoc Telecommunications Users
Committee

cc: Commissioner Clyburn
Rebekah Goodheart
Carter McMillan