



**PHOENIX CENTER FOR ADVANCED LEGAL
& ECONOMIC PUBLIC POLICY STUDIES**

5335 Wisconsin Avenue, NW, Suite 440

Washington, D.C. 20015

Tel: (+1) (202) 274-0235 • Fax: (+1) (202) 318-4909

www.phoenix-center.org

Lawrence J. Spiwak, President

18 February 2015

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

RE: Update to Notice of Ex Parte presentation: *In Re Protecting and Promoting the Open Internet*, GN Docket No. 14-28.

Dear Ms. Dortch:

At the invitation of FCC General Counsel Jonathan Sallet, on October 28, 2014 Phoenix Center Chief Economist Dr. George Ford and I met with members of Commission staff to present our research on the Commission's authority over broadband service providers; our research on the Commission's forbearance authority under Section 10; and some of our research on the economics of two-sided pricing. On October 31, 2014, we filed an ex parte letter containing the research we presented at this meeting.

Subsequent to our ex parte filing, three of the papers we presented were published in academic journals. To ensure that the Commission has the most recent versions of our research, I am filing the published versions of these papers into the record. They are:

- Lawrence J. Spiwak, *What Are the Bounds of the FCC's Authority over Broadband Service Providers? – A Review of the Recent Case Law*, 18 JOURNAL OF INTERNET LAW 1 (2015) (formerly filed as PHOENIX CENTER POLICY BULLETIN NO. 35, *What Are the Bounds of the FCC's Authority Over Broadband Service Providers? A Review of the Recent Case Law*);
- George S. Ford and Lawrence J. Spiwak, *Tariffing Internet Termination: Pricing Implications of Classifying Broadband as a Title II Telecommunications Service*, 67

FEDERAL COMMUNICATIONS LAW JOURNAL 1 (2015) (formerly filed as PHOENIX CENTER POLICY BULLETIN NO. 36, *Tariffing Internet Termination: Pricing Implications of Classifying Broadband as a Title II Telecommunications Service*); and

- George S. Ford and Lawrence J. Spiwak, *Section 10 Forbearance: Asking The Right Questions To Get The Right Answers*, 23 COMMLAW CONSPECTUS 126 (2014) (formerly filed as PHOENIX CENTER POLICY BULLETIN NO. 37, *Section 10 Forbearance: Asking The Right Questions To Get The Right Answers*).

Pursuant to Section 1.1206 of the Commission's rules, this letter and accompanying documentation are being filed electronically with your office for inclusion in the public record of the above referenced proceeding.

Thank you for your attention to this matter.

Sincerely,



Lawrence J. Spiwak
President, The Phoenix Center