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December 5, 2000

EX PARTE OR LATE FILED

VIA HAND DELIVERY

Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED

DEC - 5 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE OR LATE FILED

Re: GN Docket No. 00-185 /
Notice of Written Ex Parte Communication

Dear Ms. Salas:

I am writing to inform you that on Monday, December 4, 2000, Alexander V. Netchvolodoff, on behalf of Cox Communications, Inc., sent the attached letters to the following addressees: Chairman Kennard, Commissioner Ness, Commissioner Furchtgott-Roth, Commissioner Powell, Commissioner Tristani, Dorothy Attwood, Robert Pepper, Deborah Lathen, David Salomon, William Johnson, Carol Matthey, Michelle Carey, Katherine Schroder, and Sheryl Todd. Copies of the letter to Chairman Kennard were sent to Johanna Mikes, Christopher Libertelli, Karl Kandutsch, Douglas Sicker, Robert Cannon and Janice Myles. Copies of Cox's comments in the above-referenced proceeding were attached to all versions of the letter except for those sent to the individuals listed as receiving copies of the letter to Chairman Kennard.

Pursuant to Section 1.1206(b) of the Commission's rules, an original and one copy of this letter are being submitted to the Secretary's office for the above-captioned docket by the close of business on the day following the submission of these written ex parte presentations and copies

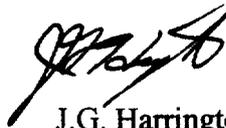
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Magalie Roman Salas, Esq.
December 5, 2000
Page 2

of this letter are being provided to the recipients of the presentation. Should there be any questions regarding this filing, please contact the undersigned.

Respectfully submitted,



J.G. Harrington
Counsel for Cox Communications, Inc.

JGH/vll

Attachment

cc (w/o att.): Honorable William E. Kennard
Honorable Susan Ness
Honorable Harold Furchtgott-Roth
Honorable Gloria Tristani
Honorable Michael Powell
Dorothy Attwood
David Salomon
William Johnson
Katherine Schroder
Sheryl Todd
Michelle Carey
Dr. Robert Pepper
Carol Matthey
Deborah Lathen
Johanna Mikes
Christopher Libertelli
Karl Kandutsch
Douglas Sicker
Robert Cannon
Janice Myles



1225 Nineteenth Street, N.W., Suite 450 Washington, D.C. 20036 (202) 296-4933
e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

Honorable William E. Kennard
Chairman
Federal Communications Commission
445 12th Street, SW, Room 8-B201
Washington, DC 20554

Re: GN Docket No. 00-185
WRITTEN EX PARTE PRESENTATION

Dear Chairman Kennard:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

USTA's letter misstates the law with respect to the situation in the 9th Circuit states of California, Nevada, and Arizona in which Cox operates. Cox has suspended collection of cable franchise fees in those states because the 9th Circuit has ruled in the Portland case that cable-based Internet access service is not a Title VI cable service. However, this ruling does not affect the fact that Cox's cable data service, Cox@Home, fully meets the statutory definition of a Title I information service. Thus, regardless of whether Cox@Home is also a cable service, it most certainly is an information service and it most certainly is not a telecommunications service. Moreover, the 9th Circuit's dicta in Portland that there is a telecommunications service component in a cable-based Internet service is not controlling. Indeed, although the court did hold that cable-based Internet service is not a cable service, it specifically noted that the expert agency (in this case the FCC) may not concur with its suggestion that there is a segregable telecommunication service component in this service. This very issue is being addressed by the FCC in this proceeding.

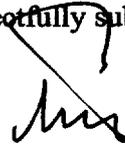
Finally, I would suggest that the question whether information service providers, including cable-based ISPs, should be subjected to Universal Service payments under the

Honorable William E. Kennard
December 4, 2000
Page 2

Communications Act is a global one, and does not turn on Cox's decision to conform its collection of cable franchise fees to controlling precedent in the 9th Circuit.

In accordance with Section 1.1206 of the Commission's Rules, an original and one copy of this letter will be submitted to the Secretary's office by the end of the business day following this date.

Respectfully submitted,



Alexander V. Netchvolodoff

Attachment

cc w/o attach.: Johanna Mikes
Christopher Libertelli
Karl Kandutsch
Douglas Sicker
Robert Cannon
Janice Myles
Lawrence E. Sarjeant



1225 Nineteenth Street, N.W., Suite 450 Washington, D.C. 20036 (202) 296-4933
e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

Honorable Susan Ness
Commissioner
Federal Communications Commission
445 12th Street, SW, Room 8-B115
Washington, DC 20554

Re: GN Docket No. 00-185
WRITTEN EX PARTE PRESENTATION

Dear Commissioner Ness:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

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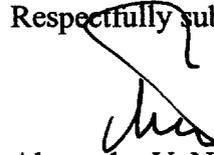
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Honorable Susan Ness
December 4, 2000
Page 2

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In accordance with Section 1.1206 of the Commission's Rules, an original and one copy of this letter will be submitted to the Secretary's office by the end of the business day following this date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. Netchvolodoff", written over a horizontal line.

Alexander V. Netchvolodoff

Attachment



1225 Nineteenth Street, N.W., Suite 450 Washington, D.C. 20036 (202) 296-4933
e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

Honorable Gloria Tristani
Commissioner
Federal Communications Commission
445 12th Street, SW, Room 8-C302
Washington, DC 20554

Re: GN Docket No. 00-185
WRITTEN EX PARTE PRESENTATION

Dear Commissioner Tristani:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

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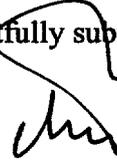
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Honorable Gloria Tristani
December 4, 2000
Page 2

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In accordance with Section 1.1206 of the Commission's Rules, an original and one copy of this letter will be submitted to the Secretary's office by the end of the business day following this date.

Respectfully submitted,



Alexander V. Netchvolodoff

Attachment



1225 Nineteenth Street, N.W., Suite 450 Washington, D.C. 20036 (202) 296-4933
e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

Honorable Michael Powell
Commissioner
Federal Communications Commission
445 12th Street, SW, Room 8-A204
Washington, DC 20554

Re: GN Docket No. 00-185
WRITTEN EX PARTE PRESENTATION

Dear Commissioner Powell:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

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Finally, I would suggest that the question whether information service providers, including cable-based ISPs, should be subjected to Universal Service payments under the

Honorable Michael Powell
December 4, 2000
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Respectfully submitted,



Alexander V. Netchvolodoff

Attachment



1225 Nineteenth Street, N.W., Suite 450 Washington, D.C. 20036 (202) 296-4933
e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

Honorable Harold W. Furchtgott-Roth
Commissioner
Federal Communications Commission
445 12th Street, SW, Room 8-A302
Washington, DC 20554

Re: GN Docket No. 00-185
WRITTEN EX PARTE PRESENTATION

Dear Commissioner Furchtgott-Roth:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

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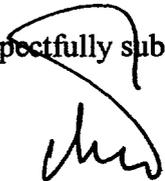
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Honorable Harold W. Furchtgott-Roth
December 4, 2000
Page 2

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Respectfully submitted,



Alexander V. Netchvolodoff

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e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

Dorothy Attwood, Esquire
Senior Legal Advisor to Chairman Kennard
Federal Communications Commission
445 12th Street, SW, Room 8-B201I
Washington, DC 20554

Re: GN Docket No. 00-185
WRITTEN EX PARTE PRESENTATION

Dear Ms. Attwood:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

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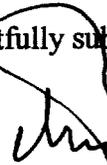
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Dorothy Attwood, Esquire
December 4, 2000
Page 2

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In accordance with Section 1.1206 of the Commission's Rules, an original and one copy of this letter will be submitted to the Secretary's office by the end of the business day following this date.

Respectfully submitted,



Alexander V. Netchvolodoff

Attachment



1225 Nineteenth Street, N.W., Suite 450 Washington, D.C. 20036 (202) 296-4933
e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

David Salomon, Esquire
Chief, Enforcement Bureau
Federal Communications Commission
445 12th Street, SW, Room 7-C485
Washington, DC 20554

Re: GN Docket No. 00-185
WRITTEN EX PARTE PRESENTATION

Dear Mr. Salomon:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

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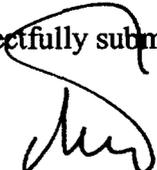
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David Salomon, Esquire
December 4, 2000
Page 2

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Respectfully submitted,



Alexander V. Netchvolodoff

Attachment



1225 Nineteenth Street, N.W., Suite 450 Washington, D.C. 20036 (202) 296-4933
e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

William Johnson
Deputy Bureau Chief
Cable Services Bureau
Federal Communications Commission
445 12th Street, SW, Room 3-C742
Washington, DC 20554

Re: GN Docket No. 00-185
WRITTEN EX PARTE PRESENTATION

Dear Mr. Johnson:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

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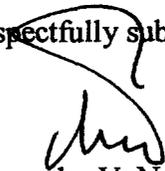
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William Johnson
December 4, 2000
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Respectfully submitted,



Alexander V. Netchvolodoff

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1225 Nineteenth Street, N.W., Suite 450 Washington, D.C. 20036 (202) 296-4933
e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

Katherine Schroder
Acting Deputy Chief
Accounting Policy Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-A423
Washington, DC 20554

Re: GN Docket No. 00-185
WRITTEN EX PARTE PRESENTATION

Dear Ms. Schroder:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

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Katherine Schroder
December 4, 2000
Page 2

Finally, I would suggest that the question whether information service providers, including cable-based ISPs, should be subjected to Universal Service payments under the Communications Act is a global one, and does not turn on Cox's decision to conform its collection of cable franchise fees to controlling precedent in the 9th Circuit.

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Respectfully submitted,



Alexander V. Netchvolodoff

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1225 Nineteenth Street, N.W., Suite 450 Washington, D.C. 20036 (202) 296-4933
e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

Sheryl Todd
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-B540
Washington, DC 20554

Re: GN Docket No. 00-185
WRITTEN EX PARTE PRESENTATION

Dear Ms. Todd:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

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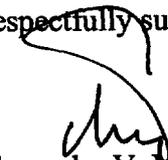
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Sheryl Todd
December 4, 2000
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e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

Michelle Carey, Chief
Policy and Program Planning Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-C122
Washington, DC 20554

Re: GN Docket No. 00-185
WRITTEN EX PARTE PRESENTATION

Dear Ms. Carey:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

USTA's letter misstates the law with respect to the situation in the 9th Circuit states of California, Nevada, and Arizona in which Cox operates. Cox has suspended collection of cable franchise fees in those states because the 9th Circuit has ruled in the Portland case that cable-based Internet access service is not a Title VI cable service. However, this ruling does not affect the fact that Cox's cable data service, Cox@Home, fully meets the statutory definition of a Title I information service. Thus, regardless of whether Cox@Home is also a cable service, it most certainly is an information service and it most certainly is not a telecommunications service. Moreover, the 9th Circuit's dicta in Portland that there is a telecommunications service component in a cable-based Internet service is not controlling. Indeed, although the court did hold that cable-based Internet service is not a cable service, it specifically noted that the expert agency (in this case the FCC) may not concur with its suggestion that there is a segregable telecommunication service component in this service. This very issue is being addressed by the FCC in this proceeding.

Finally, I would suggest that the question whether information service providers, including cable-based ISPs, should be subjected to Universal Service payments under the

Michelle Carey, Chief
December 4, 2000
Page 2

Communications Act is a global one, and does not turn on Cox's decision to conform its collection of cable franchise fees to controlling precedent in the 9th Circuit.

In accordance with Section 1.1206 of the Commission's Rules, an original and one copy of this letter will be submitted to the Secretary's office by the end of the business day following this date.

Respectfully submitted,



Alexander V. Netchvolodoff

Attachment



1225 Nineteenth Street, N.W., Suite 450 Washington, D.C. 20036 (202) 296-4933
e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

Dr. Robert Pepper
Chief
Office of Plans & Policy
Federal Communications Commission
445 12th Street, SW, Room 7-C450
Washington, DC 20554

Re: GN Docket No. 00-185
WRITTEN EX PARTE PRESENTATION

Dear Dr. Pepper:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

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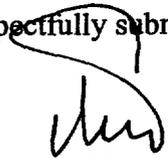
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Dr. Robert Pepper
December 4, 2000
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Respectfully submitted,



Alexander V. Netchvolodoff

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e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

Carol Matthey
Deputy Chief
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-C451
Washington, DC 20554

Re: GN Docket No. 00-185
WRITTEN EX PARTE PRESENTATION

Dear Ms. Matthey:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

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Carol Matthey
December 4, 2000
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Respectfully submitted,



Alexander V. Netchvolodoff

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e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

Deborah Lathen
Chief
Cable Services Bureau
Federal Communications Commission
445 12th Street, SW, Room 3-C740
Washington, DC 20554

Re: GN Docket No. 00-185
WRITTEN EX PARTE PRESENTATION

Dear Ms. Lathen:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

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Deborah Lathen
December 4, 2000
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Respectfully submitted,



Alexander V. Netchvolodoff

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1225 Nineteenth Street, N.W., Suite 450 Washington, D.C. 20036 (202) 296-4933
e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

Honorable Mike DeWine
140 Russell Senate Building
United States Senate
Washington, D.C. 20510

Dear Senator DeWine:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

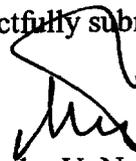
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Honorable Mike DeWine
December 4, 2000
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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alex Netchvolodoff', written over the typed name below.

Alexander V. Netchvolodoff

Attachment



1225 Nineteenth Street, N.W., Suite 450 Washington, D.C. 20036 (202) 296-4933
e-mail: alex.netchvolodoff@cox.com

Alexander V. Netchvolodoff
Vice President of Public Policy

December 4, 2000

Honorable Herbert Kohl
330 Hart Senate Office Building
United States Senate
Washington, D.C. 20510

Dear Senator Kohl:

Attached are the comments of Cox Communications, Inc. (a subsidiary of Cox Enterprises) on the Commission's Notice of Inquiry on broadband access issues. I am sending them to you personally because I notice that you were sent a copy of USTA's November 29, 2000 ex parte letter to Chairman Kennard in the same proceeding (a letter which USTA did not have the courtesy to serve on Cox). I call your attention to the analysis of the Portland decision beginning on page 30 of Cox's Comments.

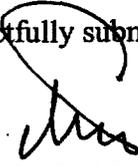
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Honorable Herbert Kohl
December 4, 2000
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Alexander V. Netchvolodoff

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