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January 30, 2002

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-B204
Washington, D.C. 20554

Re: BELD Broadband; *Ex parte* oral presentation, CS Docket No. 01-290; GN Docket No. 00-185

Dear Ms. Salas:

Under 47 CFR § 1.1206(b), we electronically provide this notice of an *ex parte* oral presentation on January 29, 2002. On that date, Walter McGrath, General Manager of BELD Broadband, Tom Reynolds, Chair, BELD Broadband Commission, and Christopher Cinnamon and Emily Denney of Cinnamon Mueller met with the following Cable Services Bureau officials and legal advisors to Commissioners Abernathy and Copps:

John Norton, CSB, Policy and Rules Division, Division Chief
Sara Whitesell, CSB, Associate Bureau Chief
John W. Berresford, CSB
Steve Broeckaert, CSB
Karen Kosar, CSB
Stacey Robinson, legal advisor to Commissioner Kathleen Q. Abernathy
Susanna M. Zwerling, legal advisor to Commissioner Michael J. Copps

The purpose of our meeting was to introduce BELD to the Commission and convey key issues of concern to ACA regarding both the open access and program access proceedings.

Mr. McGrath reported that BELD launched cable modem service in Braintree, Massachusetts in 1997 and presently serves about 3000 customers, a penetration rate of about 30%. BELD attributed the penetration rate to the demographics of Braintree, which includes persons that telecommute to the Boston metropolitan area.

Mr. McGrath reported that BELD purchases Internet backbone connectivity from UUNet, and serves as its own ISP. BELD provides its customers information services including email, website hosting, and the BELD homepage, which includes local news, information about services, weather, and some advertising. BELD customers are not required to maintain the BELD homepage as their first page and are free to select any page or portal. BELD does not track which customers use its page as their first page.

Mr. McGrath reported that no ISP has contacted them to obtain access on BELD's network. He attributed this to the lack of economic incentive for an ISP to serve BELD's limited subscriber base.

Mr. McGrath emphasized BELD's concern with imposing burdensome regulations on the cable modem service provided by their small cable system. The open access concerns in larger markets or with larger cable companies simply do not apply to BELD's system, as the company is not in the content business and does not have market power.

To supplement information provided in BELD's comments and reply comments in the program access proceeding, Mr. McGrath stated that without access to vertically integrated programming, it would not make business sense for BELD to launch competitive cable service. Mr. McGrath also reported that lack of access to AT&T-controlled New England Cable News ("NECN") is deterring hundreds of customers from choosing BELD's services, and puts the company at a competitive disadvantage with AT&T. Commissioner Reynolds reported that, as an elected official, he is asked regularly by constituents why BELD cannot receive NECN. BELD believes this provides a grass roots example of the genuine public interest in program diversity and the continuing need for access to programming.

Sincerely,

Emily A. Denney

cc: Mr. Walter McGrath
Mr. Tom Reynolds
Christopher C. Cinnamon

ex parte 013002

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