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ATTORNEYS AT LAW

September 23, 2002

EX PARTE – Via Electronic Filing

Ms. Marlene Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Re: Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities, GN Docket No. 00-185; Appropriate Regulatory Treatment for Broadband Access to the Internet Over Cable Facilities, CS Docket No. 02-52; Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, CC Docket No. 02-33; Computer III Further Remand Proceedings, CC Dockets Nos. 95-20, 98-10

Dear Ms. Dortch:

On September 20, 2002, Craig Mundie, Marc Berejka, and Pierre De Vries (all of Microsoft), and I (representing Microsoft) met separately with Bill Maher, Chief, Wireline Competition Bureau, and Ken Ferree, Chief, Media Bureau. FCC staff also in attendance at the meeting with Mr. Maher were Jeffrey Carlisle, Scott Bergmann, Jessica Rosenworcel, Jane Jackson, Michelle Carey, and Brent Olson. FCC staff also in attendance at the meeting with Mr. Ferree were Deborah Klein, Bill Johnson, Barbara Esbin, Mary Beth Murphy, Eric Bash, Peggy Greene, and John Norton. In both meetings, the Microsoft participants discussed the need for the Commission, regardless of the statutory classification applied to broadband services, to adopt the safeguards embodied in the connectivity principles presented by the High Tech Broadband Coalition in comments in the above-captioned proceedings.

The content, applications and devices that have proliferated as the Internet has become a mass-market medium have proliferated in large measure because innovators have been able to rely on the fact that, in the dial-up world, the provider of the underlying facility does not – and indeed cannot – discriminate against the types of information traversing its system or the devices that are attached to that system. As the HTBC has pointed out in its comments, it is not clear that those norms – and thus

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the benefits that flow from them – will prevail in the broadband world envisioned by the Commission's NPRMs. The HTBC's connectivity principles would protect these demonstrably innovation-enhancing norms with respect to broadband services, devices and applications.

In accordance with FCC rules, a copy of this letter is being filed in each of the above-captioned dockets.

Sincerely,


Scott Blake Harris
Counsel to Microsoft

SBH/krs