

December 18, 2002

**EX PARTE**

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

**Re: GN Docket No. 00-185, CS Docket No. 02-52**

Dear Ms. Dortch:

On December 11, 2002, representatives of the National Cable & Telecommunications Association (“NCTA”) and several cable multiple system operators met with legal advisors to the Commissioners and staff of the Media Bureau in the above captioned proceeding.

Attending the meeting on behalf of the cable industry were the following:

Steven Teplitz, Vice President and Associate General Counsel, AOL Time Warner, Inc.  
M. Celeste Vossmeier, Vice President, Government Relations, Charter Communications  
Marvin Rappaport, Vice President, Public Policy, Charter Communications  
Thomas R. Nathan, Senior Vice President of Law, Comcast Cable Communications, Inc.  
Jeffrey A. Jacobs, Senior Counsel, Law and Regulatory Affairs, Comcast Cable Communications, Inc.  
John P. Spalding, Vice President and Assistant General Counsel, Cox Communications, Inc.  
Bruce J. Gluckman, Vice President of Legal and Regulatory Affairs, Mediacom Communications Corporation

Daniel L. Brenner, Senior Vice President, Law and Regulatory Policy, NCTA  
Michael S. Schooler, Deputy General Counsel, NCTA

Attending the meeting from the FCC were the following:

Catherine C. Bohigian, Legal Advisor to Commissioner Martin  
Susan M. Eid, Legal Advisor to Chairman Powell  
Barbara S. Esbin, Associate Chief, Media Bureau  
Marjorie Greene, Associate Chief, Media Bureau  
Alexis Johns, Legal Advisor to Commissioner Copps  
John Norton, Deputy Chief, Policy Division, Media Bureau  
Stacy Robinson, Legal Advisor to Commissioner Abernathy  
Sarah Whitesell, Interim Legal Advisor to Commissioner Adelstein

As summarized in the attached memorandum, we discussed actions that cable franchising authorities are taking or threatening to take against cable operators who, in compliance with the FCC's Declaratory Ruling in the above-captioned proceeding, have stopped including revenues from the provision of cable modem service in calculating their franchise fees. As we noted, more and more franchising authorities are taking or threatening to take such actions, creating problems of national significance that would undermine the federal policy underlying the franchise fee provisions of the Communications Act.

Very truly yours,

**/s/ Daniel L. Brenner**

Daniel L. Brenner

cc: Catherine C. Bohigian, Legal Advisor to Commissioner Martin  
Susan M. Eid, Legal Advisor to Chairman Powell  
Barbara S. Esbin, Associate Chief, Media Bureau  
Marjorie Greene, Associate Chief, Media Bureau  
Alexis Johns, Legal Advisor to Commissioner Copps  
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