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January 9, 2003

FILED ELECTRONICALLY

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 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: Bell Operating Company Provision of Enhanced Services, CC Docket No. 95-20; and 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements, CC Docket No. 98-10; Digital Broadcast Copy Protection, MB Docket No. 02-230**  
**Notice of *Ex Parte* Presentation**

Dear Ms. Salas:

Submitted herewith pursuant to Section 1.1206(b)(2) of the Commission's rules is a notice regarding permitted oral *ex parte* presentations in the above-captioned proceedings. On January 8, 2003, representatives from Microsoft Corp. met with Chairman Powell and his Legal Advisor Chris Libertelli and separately with Commissioner Adelstein and his Senior Legal Advisor, Lisa Zaina. In attendance from Microsoft were Paula Ford, Policy Counsel; Marc Berejka, Policy Director; Tren Griffin, Director of Telecommunications Strategy; Will Poole, Corporate Vice President; and Bill Gates, Chairman and Chief Software Architect. The conversations took place after Mr. Gates's keynote address at the Consumer Electronics Show.

During the meetings, the parties discussed Microsoft's technologies being displayed at CES, the array of innovative products being developed by Microsoft's partners, and other highlights at the show. In addition, the parties talked about the future of Wi-Fi. For purposes of the wireline and cable modem broadband proceedings, the parties discussed the need for the Commission to ensure in its broadband policy that users are able to reach lawful Internet content,

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applications, and services and to gather, create, and share information using their choice of devices that do not harm the network absent interference by network operators. The history of the Internet has been characterized by unfettered consumer ability to use an unprecedented array of Internet products and services, and this principle, which has existed for decades in the wireline context, should be carried forward into the broadband era. For purposes of the broadcast flag proceeding, the parties spoke with Commissioner Adelstein and Ms. Zaina about the technological complexity implicated by this proceeding. The participants also urged the Commission to study carefully whether regulatory intervention is necessary.

Kindly address any questions to the undersigned.

Sincerely,



Gerard J. Waldron  
*Counsel to Microsoft*

cc: Chairman Michael Powell  
Commissioner Jonathan Adelstein  
Chris Libertelli  
Lisa Zaina