



NCTA

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

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February 7, 2003

EX PARTE

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

Re: CS Docket 98-120

Dear Ms. Dortch:

On February 6, 2003, Daniel L. Brenner and Michael S. Schooler met with Barbara S. Esbin, Associate Bureau Chief of the Media Bureau. We discussed the arguments set forth in NCTA's comments and reply comments in the above-referenced proceeding, as well as those set forth in the *ex parte* letter from Robert Sachs to Chairman Powell and the Commissioners filed on December 10, 2003, as to why the Commission should not impose – and, in fact, lacks jurisdiction to impose – “forced access” and so-called “network neutrality” regulations on the provision of cable modem service.

Very truly yours,

/s/ **Michael S. Schooler**

Michael S. Schooler

cc: Barbara S. Esbin