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**FILED ELECTRONICALLY**

April 24, 2003

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

**Re: CC Docket No. 02-33 -- Appropriate Framework for Broadband Access to the Internet over Wireline Facilities**  
***Ex Parte Communication***

Dear Ms. Dortch:

Pursuant to Section 1.1206(a)(1) of the Commission's Rules, on behalf of The BroadNet Alliance (BroadNet), I am filing this letter electronically to report an oral ex parte communication in the above-referenced proceeding.

Yesterday, I, representing the members of the BroadNet Alliance, met with Legal Advisor Chris Libertelli, in the office of Chairman Michael Powell, regarding the wireline broadband proceeding.

The members of BroadNet remain deeply concerned about the proposed elimination of the Computer Rules, and I outlined the specifics of those concerns during the meeting. Reclassifying digital subscriber line (DSL) technology as an information service will lead us into the worst possible scenario for the Internet – a deregulated monopoly. Even if the incumbent local exchange carriers (ILECs) had not received the “broadband relief” they did in the Triennial Review, they have never produced any tangible evidence that continued adherence to these rules is in any way harmful to them, or to the development of broadband in general. With the resulting phase-out/elimination of the line-sharing rules, ISPs are now wholly dependent on the incumbents, and thus, the Computer Rules alone remain the only way to access the consumer.

Maintaining these basic, non-discrimination requirements is especially critical given the ILECs' immediate retreat from their promises of deployment directly following the Commission's decision in the February meeting, even though they were granted that “broadband relief”. Furthermore, independent of these broken promises, the Computer Rules do not eliminate any

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incentives to deploy broadband; indeed, they merely require the ILECs to offer ISPs the ability to purchase basic transmission services on the same terms and conditions as the ILECs offer their own affiliated ISPs. The Commission has consistently upheld the fundamentals of the Computer Rules, in addition to maintaining that Section 202 of the Communications Act requires that facilities-based carriers may not discriminate in their provision of transmission services to competitive ISPs.<sup>1</sup>

BroadNet urges the Commission to reconsider its proposed elimination of these fundamentally critical non-discrimination rules, and looks forward to working with the Commission on this issue in the coming weeks.

If there are any questions regarding this submission, please contact me at the above number.

Respectfully submitted,

Maura Colleton Corbett  
Executive Director

Cc: Chairman Michael Powell  
Christopher Libertelli  
Carol Matthey  
William Maher  
Michele Carey  
Scott Marcus  
Robert Pepper  
Cathy Carpino  
Robert Cannon  
Jeremy Miller  
Brent Olson  
Tom Navin  
Julie Veach

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<sup>1</sup> See *Policy and Rules Concerning the Interstate, Interexchange Marketplace*, Report and Order, 16 FCC Rcd 7418, 7445 (2001) (“[A]ll carriers have a firm obligation under Section 202 of the Act to not discriminate in their provision of transmission service to competitive Internet or other enhanced service providers.”)



