

# COVINGTON & BURLING

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May 14, 2003

FILED ELECTRONICALLY

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: CC Docket Nos. 02-33, 98-10 & 95-20; CS Docket No. 02-52; GN  
Docket No. 00-185  
Notice of Ex Parte Presentation**

Dear Ms. Dortch:

Submitted herewith pursuant to Section 1.1206(b)(2) of the Commission's rules is a notice regarding a permitted oral *ex parte* presentation in the above-captioned proceedings. On May 13, 2003, Paul Misener of Amazon.com and Jon Blake and Amy Levine of Covington & Burling met with Commissioner Jonathan Adelstein and his Legal Advisor Johanna Mikes concerning the broadband non-impairment rule proposed by Amazon.com in a December 2, 2002, *ex parte* submission in these dockets. The rule is intended to ensure that consumer expectations from the dial-up Internet environment of being able to reach any lawful Internet information, products, and services carry forward into the broadband era

We explained that the prescriptive elements of the rule are narrow and targeted in scope, as they apply only when a broadband service provider or broadband ISP discriminatorily uses information provided to it by a consumer in her quest for particular Internet content to impair her access to that content. Moreover, the rule presents broadband service providers with a choice: either agree not to impair consumers' access to all lawful Internet information, products, and services, or allow a minimum number of unaffiliated ISPs to offer Internet access service over the broadband pipe. We also discussed the Commission's jurisdiction to adopt the proposed rule, as explained in detail in Amazon.com's December 2 filing, as well as relevant submissions by other parties in these proceedings.

**COVINGTON & BURLING**

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Kindly address any questions to the undersigned.

Sincerely,

A handwritten signature in cursive script that reads "Amy Levine".

Amy L. Levine  
*Counsel to Amazon.com*

cc: Ms. Johanna Mikes