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June 5, 2003

FILED ELECTRONICALLY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th 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 June 4, 2003, Paula Boyd of Microsoft Corporation met with Jonathan Cody, Special Policy Advisor to the Chairman, concerning the importance of ensuring that consumers continue to have the ability to reach their choice of lawful Internet content, applications, and services via any nonharmful devices absent interference from or impairment by network operators. If these longstanding principles of consumer connectivity and network neutrality, which are key elements of the Commission's rules on cable navigation devices and in *Carterfone* and subsequent Commission decisions, are not carried forward into the broadband era, the adoption and deployment of broadband will be placed at risk. Moreover, failure to provide such assurances risks stifling investment in and innovation with respect to new Internet equipment, products, and services by those who build on the edges of the network.

The parties also discussed the Commission's authority under Title I of the Communications Act to ensure that a provider of broadband services not unreasonably interfere with or impair subscribers' ability to use their broadband service to access lawful information on the Internet. Consistent with such an effort is preserving the provider's ability to adopt a nondiscriminatory system of tiered pricing based on actual consumer use of the broadband service, enter into promotional arrangements with third parties solely to give them an advantageous position on the first screen or other menu options presented to subscribers, or implement reasonable measures to prevent unlawful conduct.

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Kindly address any questions to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerard J. Waldron". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gerard J. Waldron
Counsel to Microsoft

cc: Mr. Jonathan Cody