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**FILED ELECTRONICALLY**

July 2, 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 Senior Legal Advisor Daniel Gonzalez, in the office of Commissioner Kevin Martin, regarding the above-mentioned wireline broadband proceeding.

BroadNet remains extremely concerned about the direction of this vitally important proceeding and its potentially devastating affect on the Internet Service Provider (ISP) industry. Proposals put forward in this proceeding to eliminate the Computer Rules seem to ignore the myriad of access services and consumer benefits provided by members of BroadNet and the 7,000 ISPs enjoyed by Americans - and the Internet - today. Additionally, these proposals also ignore the negative, though perhaps unintended consequences of the reclassification of digital subscriber line (DSL) technology upon important programs like universal service, and critical issues like national security, which depend on network access and redundancy.

Reclassifying DSL technology as an information service will surely 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 (which even they agree they received) 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

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broadband in general. Furthermore, 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.

The Computer Rules do not provide any disincentives 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 Kevin Martin  
Daniel Gonzalez  
Carol Matthey  
William Maher  
Michele Carey  
Scott Marcus  
Robert Pepper  
Cathy Carpino  
Robert Cannon  
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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.”)

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