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Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Ex Parte Communication

*The following filing was originally filed via electronic filing system of FCC April 26, 2003. It can not be located at this time, so is being re-submitted*

Ex Parte Filing By David Robertson, President, Texas Internet Service Provider's Association.

On Wednesday, April 24<sup>th</sup>, 2003, a meeting was held with members of the Competition Policy Division, of the Wireline Competition Bureau concerning dockets:

Appropriate Regulatory Treatment for Broadband  
Access to the Internet over Cable facilities  
Notice of Proposed Rulemaking  
CS Docket No 02-52

Appropriate Framework for Broadband Access to the  
Internet over Wireline Facilities  
Notice of Proposed Rulemaking  
CC Docket No 02-33

Review of Regulatory Requirements for Incumbent LEC  
Broadband Telecommunications Services  
Notice of Proposed Rulemaking  
CC Docket No 01-337

The participants included.

David Robertson, President, Texas ISP Association, Robert Cannon, Gene Crick, Executive Director, Texas ISP Association, Patty Clifford, Director of Operations, Brent Olson, Cathy Carpino, Bill Kehoe, Gail Cohen, Ben Childers, Richard Hovey.

The primary discussion centered around the topic of "how much competition is enough" in a market, and who should decide how much is enough. It was TISPA's position that a market should not be restrained by regulations, except for the purpose of removing the constrains of a bottleneck, should one occur. BOCS should be allowed to sell in the arena, but should not be allowed to bottleneck the market through their control of the physical network.

Additionally, it was submitted that ONA reporting by BOCS should not be done away with due to the idea that it would give away an advantage to their competition by knowing of their marketing plans.

Concerning wireless deployment of high speed internet, it was submitted that BOCS will

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NOT move ahead in this arena and sabotage their own investments in the physical network. It was noted that the Chairman has alluded that independent ISPs will likely drive the wireless market. Counterpoint was that if ISPs are destroyed by the deregulation of the BOC monopoly, there will be no one left to carry the wireless market to the rural areas of the nation

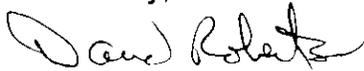
of the presentation was the need for changes in the Computer III Remand rules, enforcement of those rules, and elaboration of comments submitted by the Texas ISP Association on the proposed rule changes

The following is a summary of participant's arguments:

David Robertson. The rules are not clear in their current state. The rules are incomplete in that they do not adequately provide a structure for Enhanced Service Providers to gain access to the Telecom Network. Some Rules are not needed in the remand, while other, more appropriate rules beg to be added. Without an effective benchmark document to provide protection from the BOCS, while competition is growing in this marketplace, the country will be relegated to dealing with an un-regulated monopoly for enhanced services.

Finally, I requested input as to the potential effect of approximately 58,000 electronic comments that had been submitted to the commission.

Sincerely,



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