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September 8, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
455 12th Street, S.W.
Washington, DC 20554

Re: Notice of Ex Parte Presentation
MB Docket No. 02-52
CC Docket Nos. 02-33, 95-20, and 98-10

Dear Ms. Dortch:

On September 4, 2003, Rick Cimerman of the National Cable & Telecommunications Association (“NCTA”) and the undersigned met with Barbara Esbin, Peter Corea, John Kiefer, Peggy Greene, and Priscilla Lee of the Media Bureau; Carol Matthey and Terri Natoli of the Wireline Competition Bureau; and J. Scott Marcus of the Office of Strategic Planning and Policy Analysis regarding the above-captioned matter. Consistent with NCTA’s earlier filings in MB Docket No. 02-52, we argued that the Communications Assistance for Law Enforcement Act (“CALEA”) does not apply to broadband telephony service because such service has not been classified by the Commission as telecommunications service and because it is not a “replacement for a substantial portion of the local telephone exchange service” within the meaning of that phrase in section 102(8)(B)(ii) of CALEA. We also described the voluntary efforts of the cable industry, working with the FBI, to develop a new version of technical specifications to define how cable operators using the PacketCable® architecture may comply with CALEA. In view of the foregoing, we suggested that it was unnecessary and premature at best for the Commission to determine the legal classification of broadband telephony service in these proceedings.

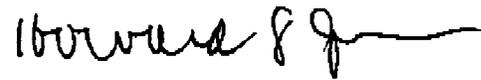
Pursuant to section 1.1206(b)(2) of the Commission’s rules, a copy of this letter is being filed electronically with the Office of the Secretary. A copy is also being served electronically on the Commission participants in the meeting.

Any questions regarding the foregoing may be directed to the undersigned.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Howard J. Symons", with a long horizontal flourish extending to the right.

Howard J. Symons

cc: Barbara Esbin
Peter Corea
John Kiefer
Peggy Greene
Priscilla Lee
Carol Matthey
Terri Natoli
J. Scott Marcus