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NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

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September 12, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: CS Docket No. 02-52 – High-Speed Access to the Internet Over Cable

Dear Ms. Dortch:

I wish to bring to the attention of the Commission two recent cases concerning the FCC determination of the regulatory status of cable modem service. In Jefferson Parrish, Louisiana as well as in the City of Chicago, the federal district court found that the cable operator was not required to pay franchise fees on the provision of cable modem service. The courts looked to the March, 2002 FCC decision that concluded that cable modem service is an information service.

Copies of these decisions are attached to this letter.

Sincerely,

/s/ Daniel L. Brenner

Daniel L. Brenner

cc: Paul Gallant
Tony Dale
Jordan Goldstein
Stacy Robinson
Johanna Mikes
Ken Ferree
Barbara Esbin