



**NOTICE OF ORAL EX PARTE
PRESENTATIONS (47 C.F.R. § 1.1204(10))**

August 4, 2005

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW B204
Washington, DC 20554

Re: Notice of Oral Ex Parte Comments - Filed In the Matter of the Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, CC Dkt. 02-33, Universal Service Obligations of Broadband Providers; Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements, CC Dkts. 95-20, 98-10; IP-Enabled Services, WC Dkt. 04-36.

Dear Ms. Dortch:

In light of the U.S. Supreme Court's recent decision in *NCTA v. Brand X Internet Services (Brand X)*, it appears the Commission may soon act to establish regulatory parity between cable broadband services and wireline broadband services. The undersigned, during the Association's recent meetings in Austin, Texas, made several comments about the need to delay action in the DSL proceeding until related issues can be addressed to Dan Gonzalez, Jessica Rosenworcel, Scott Bergman, and Tom Navin. In addition, last Thursday, I contacted Michelle Carey and Russ Hauser, along with Ms. Rosenworcel and Mr. Bergman, by phone and/or left voice mail regarding the topic listed below. And yesterday I spoke with Mr. Hauser and Mr. Gonzalez by phone.

I respectfully request any waivers needed to file this notice out-of-time.

The FCC has open dockets (for both cable modem and wireline DSL services) to discuss how classification as “information services” will impact the Title II status of the underlying transmission facilities, residual obligations for equivalent access to non-affiliated internet service provider access to the network with the effective elimination of *Computer III* ‘s comparably efficient interconnection requirements as non-ISP affiliates via Comparably Efficient Interconnection rules, the impact and timing of such classification on contributions to State and federal universal service programs, emergency communications, and CALEA obligations, as well as the level of any State complaint oversight, and the status of traditional telephony substitutes offered via such services. These and other questions need further examination so as to avoid unintended consequences. I advocated that prudence would suggest the FCC not act until it addresses these issues in a holistic fashion that provides for an opportunity for input from the States.

If you have any questions or comments about this filing, please do not hesitate to contact me at 202.898.2207 or jramsay@naruc.org.

Respectfully Submitted,

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