



National Cable & Telecommunications Association
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Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20054

Re: MB Docket No. 05-311

Dear Ms. Dortch:

On May 24, 2006, Daniel L. Brenner, Senior Vice President, Law & Regulatory Policy, Michael S. Schooler, Deputy General Counsel, and Diane B. Burstein, Deputy General Counsel, of the National Cable & Telecommunications Association (“NCTA”) met with Donna Gregg, Chief, William Johnson, Deputy Chief, and Rosemary Harold, Deputy Chief, of the FCC’s Media Bureau to discuss NCTA’s written comments in the above-captioned proceeding. The attached outline was distributed at that meeting.

In addition, NCTA discussed how telephone companies have failed to make the case that build-out requirements are impeding their deployment of cable television service.

We discussed the recently-approved New Jersey Assembly Bill, HB 804, which imposes three-and six-year build-out milestones for new entrants, including telcos. Despite arguing in this docket that build-out constitutes an entry barrier, Verizon, in reaction to passage of HB 804, which includes build-out, was laudatory: “Today’s state Assembly vote is another big step in the right direction...We applaud the state Assembly for taking this bold step...”¹

Accordingly, NCTA argued that Verizon itself now recognizes that reasonable build-out requirements pose no significant barriers to new entrants, and the Commission should make this finding in this docket.

Respectfully submitted,

¹ Statement of Dennis M. Bone, President of Verizon New Jersey, on the New Jersey State Assembly Approval of the Cable Choice Act (ACS-804), dated May 22, 2006.



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Attachment