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June 14, 2006

***Via Electronic Delivery***

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: Notice of *Ex Parte* Presentations – CC Dkt. 02-33, *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*

Dear Ms. Dortch:

On June 13, 2006, Dave Baker, Vice President - Law and Public Policy, EarthLink, Inc., and the undersigned met with separately with Commissioner Robert M. McDowell and Dana Brown Shaffer, Legal Advisor to Commissioner McDowell; and with Scott M. Deutchman, Competition and Universal Service Legal Advisor to Commissioner Copps, regarding the above-captioned proceeding. Also on June 13, 2006, Dave Baker and Mark J. O'Connor, Lampert & O'Connor, P.C., met with separately with Scott Bergmann, Wireline Issues Legal Advisor to Commissioner Adelstein; and with Ian Dillner, Legal Advisor to Commissioner Tate, Wes Platt, Intern, and Melissa Winberg, Intern – both of the Office of Commissioner Tate, regarding the above-captioned proceeding. In addition, on June 14, 2006, Dave Baker, Mark O'Connor, Michael D. Saperstein, Jr., Law Clerk – Lampert & O'Connor, P.C., and the undersigned met with Michelle Carey, Senior Legal Advisor to Chairman Martin, regarding the above-captioned proceeding. Written materials previously filed in the above-referenced docket were discussed.

Pursuant to the Commission's rules, one copy of this memorandum is being filed electronically in the above-referenced docket for inclusion in the public record. Please do not hesitate to contact me directly should you have any questions.

Respectfully submitted,

/s/ *Donna N. Lampert*

Donna N. Lampert  
*Counsel for EarthLink, Inc.*

cc: Commissioner McDowell ([Robert.McDowell@fcc.gov](mailto:Robert.McDowell@fcc.gov))  
Scott Bergmann ([Scott.Bergmann@fcc.gov](mailto:Scott.Bergmann@fcc.gov))

**■ Lampert & O'Connor, P.C.**

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