

Ms. Marlene H. Dortch, Secretary
August 16, 2007
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"Promoting consumer
choice and innovation
through advanced
facilities-based networks."

BRINGING FULLY COMPETITIVE BROADBAND TO AMERICA¹

FILED ELECTRONICALLY

August 16, 2007

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

Re: *Ex Parte* Presentations in MB Docket No. 07-29, MB Docket No. 05-311, and CSR-7108

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, The Broadband Service Providers Association (BSPA) submits this notice of an *ex parte* presentation in the above-captioned proceedings.

On August 15, 2007 Felix Boccucci, V.P. Business Development, Knology; Richard Ramlall, SVP, Strategic & External Affairs, RCN; Martin Stern, K&L Gates, and I had a meeting on behalf of the Broadband Service Providers Association (BSPA) with Amy Blankenship and Chris Moore, Legal Advisors to Commissioner Tate to discuss the Commission's rulemaking on the further extension of the prohibition against exclusive contracts as part of Section 628, cable franchise-related issues, and CSR-7108. A copy of the attached agenda and talking points was provided at the meeting.

At this meeting we discussed the policy recommendations made by the BSPA and its members as part of comments filed in MB docket No. 07-29 and application of the new franchise rules adopted by the Commission as part of MB Docket No. 05-311 as they might apply to existing competitive franchises as recommended in the Further Notice for Proposed Rulemaking for franchise reform.

In addition to the policy recommendations that were part of written comments submitted to the Commission we discussed the current franchise negotiations between Knology and the City of Montgomery Alabama.

¹ The current members of BSPA, all of which are last-mile, facilities-based providers, are: Everest Connections, Hiawatha Broadband, Knology, PrairieWave Communications, RCN, and SureWest Communications.

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Broadband Service Providers Association (BSPA)
FCC Meeting Agenda, August 15, 2007
Amy Blankenship and Chris Moore

BSPA Attendees: Felix Boccucci, VP Business Development, Knology
Richard Ramlall, SVP, Strategic and External Affairs, RCN
John Goodman, Executive Director, BSPA
Martin Stern, BSPA Counsel, K&L Gates

1. Introduction

- BSPs provide the most compelling examples of desired competition.
- Two GAO Studies have documented the market impact of BSP operations.
- The BSP business model and bundled services have become the new standard for industry growth and investment.

2. Program Access

- Assured access to programming is essential to competition. Any diminished access to content will harm both current and desired competition.
- The current rules have been historically essential and have caused no harm.
- We recommend extension of the current rules with strengthened enforcement procedures.
- A minimum of 5 years
- Better discovery with appropriate assured confidentiality
- 120 day complaint proceedings with a standstill for pre-existing carriage.
- Use of third party binding arbitration to resolve pricing disputes
- We request FCC support to close the Terrestrial Loophole.
- Access to unaffiliated sports programming is also essential to competition.

3. Broadband

- There is direct connection between effective program access rules and the further development of Broadband.
- New wireline investments will be for bundled services.
- Video revenues are essential for the economic success of capital investments. They represent from 35-55% of total network revenues.
- Video and broadband issues should not be viewed as completely separate service offerings for wireline networks.
- Wireline networks offer compelling solutions to rural broadband issues.
- The House Oversight Committee has requested a new GAO Study. This study should isolate different segments of the industry to identify the impact of different types of competitive markets and service offerings.

4. Franchising

- We fully support the application of the new FCC Franchising Rules to competitive franchise renewals.
- New franchising rules should be applicable when an existing competitive franchise is up for renewal, if a new competitor enters the market, or if the other competitive franchise is renewed under these new FCC rules.
- Implementation of the new FCC rules has had material positive impact on current franchise renewal negotiations.