

May 15, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 Twelfth St., SW
Washington, DC 20554

Re: *Notice of ex parte* presentation in: WT Docket No. 08-7
WC Docket No. 07-52

Dear Ms. Dortch:

On May 15, 2008, Gigi Sohn and Jef Pearlman of Public Knowledge, Marvin Ammori of Free Press, Harold Feld of Media Access Project, and Michael Calabrese of the New America Foundation met with Aaron Goldberger, Legal Advisor to Chairman Martin. The purpose of this meeting was to discuss the timeline for moving forward and developing the record regarding the *Petition of Public Knowledge et al. for Declaratory Ruling Stating that Text Messaging and Short Codes are Title II Services or are Title I Services Subject to Section 202 Nondiscrimination Rules* in WT Docket No. 08-7.

We emphasized that the problems described in the text messaging petition are unresolved, with discrimination continuing to this day. We also discussed the fact that the text messaging petition raises different issues with different underlying facts and potential solutions than the *Petition of Free Press et al. for Declaratory Ruling that Degrading an Internet Application Violates the FCC's Internet Policy Statement and Does Not Meet an Exception for "Reasonable Network Management"* and *Complaint of Free Press and Public Knowledge Against Comcast Corporation For Secretly Degrading Peer-to-Peer Applications* in WC Docket No. 07-52. We therefore suggested that the record on the text messaging petition be developed more fully after the proceedings on the broadband petition and complaint are concluded. The remaining substance of our discussion is contained in our previously-filed petitions and comments in these dockets.

In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Respectfully submitted,



Jef Pearlman
Equal Justice Works Fellow and Staff Attorney

cc:
Aaron Goldberger