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Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**July 24, 2008**

**Re: Notice of *Ex Parte* Presentation  
Free Press et al. Petition 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" (RM- \_\_\_\_\_)  
and  
CC Docket No. 02-33, CC Docket No. 01-337, CC Docket Nos. 95-20, 98-10, GN Docket No.  
00-185, CS Docket No. 02-52, WC Docket No. 07-52**

Dear Ms. Dortch,

This letter is to advise you, in accordance with Section 1.1206(b) of the Commission's rules, that on July 23, 2008, Marvin Ammori of Free Press met with Chairman Kevin Martin, Chief of Staff Daniel Gonzalez, General Counsel Matthew Berry, and Legal Advisor Amy Bender, at the offices of the Federal Communications Commission. Harold Feld of Media Access Project called into the meeting.

We discussed the need to ensure that Commission review of provider conduct that has the effect of blocking or degrading any content or application provides genuine protection for end users, whether the Commission follows adjudication or rulemaking to adopt policy.

In adjudications, Free Press referred to Section 201(b) and 202(a) adjudications as appropriate standards for reasonable network management.

We referred to our filings about the Chairman's reference to a strict standard in such cases, as reported in the press.

We also noted that, with the Carterfone adjudication, the Commission adopted policy by adjudication first and later engaged in rulemaking. Mr. Feld also cited *New York State Commission on Cable Television v. FCC*, 749 F.2d 804 (D.C. Cir. 1984) as precedent that the FCC can announce substantive new policy under its Title I authority through adjudication rather than informal rulemaking.

Sincerely,

Marvin Ammori