"Promoting consumer choice and innovation through advanced facilities-based networks."

BRINGING FULLY COMPETITIVE BROADBAND TO AMERICA[1]

FILED ELECTRONICALLY September 18, 2008

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

Re: *Ex Parte* Presentations in MB Docket Nos. 07-29, 07-198, 00-96, 98-120, 07-148 and 07-42.

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 September 17, 2008, Amy Mehlman, RCN; Gary Evans, Hiawatha Broadband; and I had meetings on behalf of the Broadband Service Providers Association (BSPA) with Monica Desai, David Konczal, Nancy Murphy, Mary Beth Murphy, and Eloise Gore from the Media Bureau to discuss the Commission's rulemaking on Program Access Rules and Examination of Programming Tying Arrangements. We also discussed issues related to the DTV Transition

At this meeting we discussed the policy recommendations made by the BSPA as part of comments and Ex Parte documents previously filed in MB docket No. 07-198. These topics included our recommendation that the commission adopt the Wholesale Untying policy as recommended by ACA so long as that is combined with the BSPA proposal for FCC managed arbitration as the remedy for any pricing issues that cannot be resolved by commercial negotiation. We re-affirmed our desire to have issues related to closing the terrestrial loophole brought to a vote this year. We also provided a copy of the BSPA Amicus Brief filed in support of the 07-29 5 year extension of the 628 prohibitions on exclusive contracts.

We discussed the BSPA support for the creation of a Retransmission Quiet Period as filed in our Ex Parte related to the current DTV Transition Proceedings.

While the BSPA will not be directly impacted by the Media Access project (MAP) proposed changes to the 616 Carriage Complaint Process, we never-the-less offered our support for these changes seeing them as equivalent to changes that have been proposed by the BSPA for the 628 Program Access Complaint Process.

Respectfully submitted for, **Broadband Service Providers Association**

By: /s/

John Goodman, Executive Director, BSPA
1601 K Street NW
Washington, D.C. 20006

1 Enclosure

cc: Monica Desai, David Konczal, Mary Beth Murphy, Nancy Murphy, Eloise Gore, Gary Evans, Amy Mehlman.

[1] The current members of BSPA include: Hiawatha Broadband, Knology, RCN, and SureWest Communications. BSPA is located at 1601 K Street NW, Washington, DC 20006. Phone: 202.661.3945