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

**September 19, 2008**

**Re: Notice of *Ex Parte* Presentation**

**RE: WC Docket 07-38**

Dear Ms. Dortch,

This letter is to advise you, in accordance with Section 1.1206(b) of the Commission's rules, that on September 17, 2008, Ben Scott and Derek Turner of Free Press met with Chairman Kevin Martin and his chief of staff, Dan Gonzalez.

We discussed the status of the aforementioned proceeding that would conclude a round of changes the Commission is making to its broadband data reporting requirements. The FCC has taken some very positive steps, leaving a handful of items for closure this fall. We noted that we strongly support the tentative conclusion of the proposed rules that the FCC should collect broadband availability data on a national basis. Clearly, this data is not intended to replace local efforts to map and incentive broadband in rural areas. Its purpose is to inform a number of macro-level policies to guide competition, infrastructure development, and increased demand. To that end, it will be invaluable.

Further, we clarified that we strongly support the Commission's efforts to use these reporting requirements to study broadband speeds and capacity. Pursuant to our comments, we noted that an easy and elegant way to do this would be to require the reporting of contention ratios.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Scott", is written over a horizontal line.

Ben Scott, Policy Director  
Free Press, Washington Office  
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