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

February 3, 2009

Re: Notice of *Ex Parte* Presentation

RE: GN Docket 07-45

Dear Ms. Dortch,

This letter is to advise you, in accordance with Section 1.1206(b) of the Commission's rules, that on February 3, 2009, Ben Scott, Derek Turner, and Chris Riley of Free Press met with Scott Deutchman, Acting Senior Legal Advisor to Acting Chairman Michael J. Copps.

We discussed the status of the proceeding listed above regarding the Commission's *Fifth Section 706 Report*. Specifically, we reiterated the arguments of our July 11, 2008 Petition for Reconsideration, in which we asked the Commission to reconsider its *Fifth Section 706 Report* to correct its erroneous conclusion that advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, in light of overwhelming evidence in the *Report* itself and derived from other sources.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Scott", with a long horizontal flourish extending to the right.

Ben Scott, Policy Director
Free Press, Washington Office
bscott@freepress.net