



October 7, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Ex Parte Presentation**
National Broadband Plan for Our Future, GN Docket No. 09-51

Dear Ms. Dortch:

On October 7, 2009, Megan M. Delany, Vice President, Senior Counsel, Charter Communications and Paul Glist of the law firm of Davis Wright Tremaine LLP met with Rosemary C. Harold, Legal Advisor – Media and Christine Kurth – Policy Director and Wireline Counsel of Commissioner Robert M. McDowell’s office.

During the meeting, we discussed specific approaches to promoting the growth of broadband.

We discussed how allowing continued innovations, including innovations in network management, can enhance broadband Internet service and applications in the future. By contrast, a common carrier style of regulation would undermine the proven success of private investments.

We discussed how new models of online advertising can help to underwrite Internet content and promote affordability. To assure appropriate privacy protections, all participants in the broadband experience—including advertisers, Internet sites, and search engines, as well as network providers—should be providing consumers with the notice, choice, security, and accountability expected of responsible privacy practices.

We discussed how recent requests by electric utilities for a penalty pole attachment rental rate for broadband connections would constitute a “broadband tax” that would translate to a range of \$4.95-\$8.66 per Internet subscriber per month and \$13.27-\$23.23 per voice subscriber per month and working at cross purposes with national goals of deployment and affordability. By contrast, every reviewing tribunal, including the FCC, has upheld the current cable pole attachment rental formula as providing far more than just compensation for the use of monopoly utility poles.

We discussed how the Commission should expand high-cost universal support to permit the subsidy of broadband facilities in certain unserved areas, and should expand the Lifeline and Link-up programs on a technology-neutral basis to subsidize low-income consumers’ purchase of broadband and computers by underserved populations. Rather than asking consumers to pay

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even more than 13% of their interstate telecommunications charges to support USF, the Commission should pay for the expansion of the high-cost and low-income programs by phasing out high-cost support to inefficient carriers to provide telephone service in markets where other providers offer unsubsidized broadband and telephone service in the same market.

Very truly yours,

Charter Communications

A handwritten signature in black ink that reads "Megan M. Delany". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Megan M. Delany

cc: Rosemary C. Harold
Christine Kurth