

November 5, 2009

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



RE: Notice of Oral *Ex Parte* Communication
Docket GN 09-191
Docket WC 07-52

Dear Ms. Dortch:

This notice is submitted in compliance with Section 1.1206(b) of the Commission's Rules. On November 4, 2009, members of the Open Internet Coalition ("OIC") met with Chairman Julius Genachowski, Chief of Staff Edward Lazarus, Senior Counselor Colin Crowell, Chief Counsel and Senior Legal Advisor Bruce Liang Gottlieb, and Deputy Chief, Office of Strategic Planning and Policy Analysis Zachary Katz. Attending on behalf of OIC were Emmett O'Keefe of Amazon.com, Richard Whitt and Johanna Shelton of Google, Ben Scott and Marvin Ammori of Free Press, Christopher Libertelli of Skype, Gigi Sohn and Harold Feld of Public Knowledge, Michael Calabrese of New America Foundation, Brent Thompson of IAC, Joel Kelsey of Consumers Union, and Andrew Jay Schwartzman of Media Access Project.

During the discussion, members of OIC expressed broad general support for the recently issued *Notice of Proposed Rulemaking* on Preserving the Open Internet. However, they did express concern about two portions of the document. First, they noted that one reading of what could be construed to be a proposed definition of non-discrimination appeared too narrow and lacked sufficient clarity to be effective and enforceable. Second, they noted that the proposed network management principle did not adequately discuss the importance of a precise and delimited scope of what would be considered reasonable practices, and that failure to address this issue properly might undermine the effectiveness of the proposed new rules. In this regard, there was a recommendation that the Commission look for guidance from the more detailed nature of the network management framework recently adopted by the Canadian Radio Television and Communications Commission.

Respectfully submitted,

/s/

Andrew Jay Schwartzman

cc. Chairman Genachowski
Edward Lazarus
Colin Crowell
Bruce Liang Gottlieb
Zachary Katz