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

**November 9, 2009**

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

**RE: Docket Nos. 07-52, 09-191**

Dear Ms. Dortch,

Free Press submits as an ex parte filing in the above mentioned dockets the attached policy brief, entitled "The Hidden Harms of Application Bias," by Chris Riley, Policy Counsel, Free Press and Robb Topolski, Chief Technologist, the Open Technology Initiative of the New America Foundation. The attached brief explains, from an engineering perspective, how network operator-imposed prioritization of some applications over others can undermine consumer choice and innovation on the Internet, and can perversely worsen network performance and reduce incentives to invest in expanding capacity.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Scott", with a long horizontal line extending from the end of the signature.

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

A handwritten signature in black ink, appearing to read "Robb Topolski", with a long horizontal line extending from the end of the signature.