

CONFIDENTIAL

EX PARTE OR LATE FILED

November 18, 2009

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

FILED/ACCEPTED

NOV 19 2009

Federal Communications Commission
Office of the Secretary

**Re: Notice of Ex Parte Communication
GN Docket No. 09-191; WC Docket No. 07-52**

ORIGINAL

Dear Ms. Dortch:

On Tuesday, November 16, 2009, Jeff Glueck of Skyfire participated in a telephone call with Zachary Katz of the Office of Strategic Planning and Policy Analysis and David Tannenbaum of the Office of General Counsel. The staff agreed to file this memorandum.

Mr. Glueck discussed his concerns, as an application entrepreneur in the mobile telephone space, regarding the preservation of an open Internet. In particular, he expressed his view that consumers would benefit from having the ability to set the default browser on their mobile devices, and expressed concern about the difficulty of gaining entry into mobile application stores.

In addition, he discussed the potentially unfair advantages that small technology companies and web publishers face when major players are allowed to co-locate servers within a wireless operator's network, in terms of cost and response times to end users. He suggested provision for transparent and fair access to such server co-location by major wireless operators, with published procedures and equal terms for all players, including web publishers and CDNs and cloud computing web service providers.

He also described the obstacles that mobile application developers face with respect to port blocking by carriers, and the throttling of certain video protocols. He noted the importance of transparency with respect to both practices. He expressed support for the use of metered pricing for end users, and noted the importance of equal treatment of application developers by mobile service providers.

Sincerely,

David Tannenbaum
Special Counsel
Federal Communications Commission

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Dear Ms. Dortch:

On Tuesday, November 17, 2009, Wences Casares of Bling Nation participated in a telephone call with Zachary Katz of the Office of Strategic Planning and Policy Analysis and David Tannenbaum of the Office of General Counsel. The staff agreed to file this memorandum.

Mr. Glueck discussed his concerns, as an application entrepreneur in the mobile telephone space, regarding obstacles to Internet openness. In particular, he described some of the challenges he has faced as a result of mobile service providers' control over services that run on their networks. These challenges include the time and effort required to negotiate deals with multiple mobile service providers, and the need to use alternative and less efficient technical solutions to engineering problems because of the difficulties and costs of obtaining certain permissions from mobile service providers. Mr. Glueck also highlighted the importance of competition in the mobile space, and the benefits to competition of open Internet protections.

Sincerely,

David Tannenbaum
Special Counsel
Federal Communications Commission

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