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

December 14, 2009

Re: Notice of *Ex Parte* Presentation

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

Dear Ms. Dortch,

This letter is to advise you, in accordance with Section 1.1206(b) of the Commission's rules, that on December 11, 2009, Ben Scott, Derek Turner, and Chris Riley of Free Press, and Marvin Ammori, an advisor to Free Press, met with David Tannenbaum, Sharon Gillett, Bruce Gottlieb, Colin Crowell, Edward Lazarus, and Zachary Katz. We discussed issues related to the Commission's recently released Notice of Proposed Rulemaking on Preserving the Open Internet. Consistent with our previous filings, we emphasized the potential harms of permitting traffic degradation or prioritization in the context of the Commission's proposed rules on nondiscrimination for Internet access services, and the ability of an appropriate and narrow framework for reasonable network management to allow any necessary discrimination. We also discussed our position that the nondiscrimination rule should be technology neutral, recognizing that what constitutes "reasonable" management may vary in the face of any demonstrable differences in performance or constraints associated with various broadband technologies. We discussed the need for enforcement procedures that reach a rapid resolution, and that account for information disparities between the users of Internet access services and the network operators, as well as financial penalties that take into account the extent to which the violation was hidden from consumers and the Commission. We also discussed the ability of, and the need for, increased disclosure to remedy some of these information disparities.

Sincerely,

/s/ Chris Riley

Chris Riley, Policy Counsel
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