

H&E  
HOLCH & ERICKSON LLP

December 16, 2009

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

RE: Notice of *Ex Parte* Meeting, Docket Nos. 07-52, 09-191

Dear Ms. Dortch:

On December 15, 2009, the undersigned representing the Open Internet Coalition; Michele Combs, of the Christian Coalition of America; John Kosinski of the Writers Guild of America, West; and Ms. Ruth Livier of Ylse met with Commissioner Meredith Attwell Baker and Bradley Gillen, Legal Advisor to Commissioner Baker.

The discussion involved a follow-up conversation to the testimony presented by Ms. Combs and Ms. Livier at the Speech, Democratic Engagement, and the Open Internet Workshop.

The Writers Guild of America, West, and the Christian Coalition are participants in the Open Internet Coalition, and we discussed the organizations perspectives on the draft rules in the *Notice of Proposed Rulemaking* in the above-captioned dockets.

The discussion was consistent with comments filed by the Open Internet Coalition submitted previously in WC Docket No. 07-52. We discussed the need for simple, light-weight rules to preserve and protect the open Internet. We discussed the benefit of the open Internet for organizations to reach audiences and consumers without seeking permission from the broadband network operators.

We also discussed our support for a strong nondiscrimination standard, while also indicating our support for a reasonable network management provision that would provide sufficient flexibility for network operators to manage their networks without seeking prior permission from the FCC.

In addition, we briefly discussed the *Notice of Proposed Rulemaking's* questions relating to "managed services" and prioritization of certain traffic. We touched on some of the engineering questions these issues raise.

Marlene H. Dortch  
December 16, 2009  
Page 2

Finally, we stated that addressing unlawful content, such as unlawfully distributed copyrighted works should not be considered to be “network management” issues. Rather, such content can and should be handled through existing legal regimes such as the Digital Millennium Copyright Act. We also noted that the *Notice of Proposed Rulemaking’s* principles of nondiscrimination apply only to lawful content.

Please contact the undersigned should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Markham C. Erickson', with a long horizontal flourish extending to the right.

Markham C. Erickson