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

December 18, 2009

Re: Notice of *Ex Parte* Presentation

RE: Docket Nos. 07-52, 09-191, 09-51

Dear Ms. Dortch,

This letter is to advise you, in accordance with Section 1.1206(b) of the Commission's rules, that on December 17, 2009, Ben Scott and Chris Riley of Free Press met with Jennifer Schneider, Senior Policy Advisor, and Commissioner Michael J. Copps. 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. We also discussed issues related to the Commission's development of the National Broadband Plan, reiterating the points made in the Free Press report, "Making the National Broadband Plan Work for America," filed with the Commission in Docket 09-51 on December 16, 2009.

Sincerely,

/s/ Chris Riley

Chris Riley, Policy Counsel
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