

Google Inc.  
Public Policy Department  
1101 New York Ave. NW  
Second Floor  
Washington, DC 20005



Main 202 346-1100  
Fax 202 346-1101  
www.google.com

February 24, 2010

**Ex Parte via Electronic Filing**

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

**Re: Authorized Ex Parte Contact – GN Docket No. 09-51**

Dear Ms. Dortch:

On February 22, 2010, the undersigned from Google Inc. (“Google”) met with Edward P. Lazarus, chief of staff to FCC Chairman Julius Genachowski, to discuss certain matters related to the National Broadband Plan (“Plan”). In particular, per our February 22, 2010 *ex parte* letter in the proceeding, Google supports having the Commission initiate a notice of proposed rulemaking (“NPRM”) to consider adopting rules to implement the overarching goal of allowing consumers to acquire and use competitive, open video navigation devices. At minimum, the Commission should clearly signal that final pro-consumer rules will be adopted and in place no later than March 17<sup>th</sup>, 2011.

Further, much as the U.S. Federal Trade Commission uses its general jurisdiction to oversee the activities of domestic providers of Internet applications and content, the FCC appears to possess affirmative oversight authority regarding the consumer broadband communications sector. Such authority is crucial to ensure that the numerous important objectives laid out in the National Broadband Plan actually can be achieved. To that end, I expressed Google’s concern that the broadband providers’ continuing resistance to any FCC oversight authority under the Communications Act concerning their sector threatens the very foundations of the Plan. The FCC should take the steps necessary to build a complete legal and evidentiary record to fully support the agency’s authority, whether under Title I of the Act, Title II of the Act, and/or other pertinent statutory provisions.

Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard S. Whitt".

Richard S. Whitt, Esq.  
Washington Telecom and Media Counsel