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EX PARTE

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**RE: National Broadband Plan, GN Docket No. 09-51
Consumer Information and Disclosure, CG Docket No. 09-158**

Dear Ms. Dortch:

On February 25, 2010, David Don and Jason Livingood of Comcast, Terri Natoli of Time Warner Cable, Grace Koh of Cox Communications, and Jim Partridge and the undersigned of the National Cable & Telecommunications Association (collectively the “Cable Representatives”) met with the following FCC staff members to discuss issues related to measurement and disclosure of broadband performance:

Joel Gurin, Chief, Consumer and Governmental Affairs Bureau
Julie Saulnier, Consumer and Governmental Affairs Bureau
Patrick Webre, Consumer and Governmental Affairs Bureau
Michael Jacobs, Consumer and Governmental Affairs Bureau
Monica Desai, Wireless Telecommunications Bureau
Jeff Tignor, Wireless Telecommunications Bureau
Bill Dever, Wireline Competition Bureau
James Miller, Office of Engineering and Technology
Peter Bowen, Omnibus Broadband Initiative
Byron Neal, Omnibus Broadband Initiative

Consistent with comments filed by NCTA and the individual companies in the above-referenced dockets, the Cable Representatives explained that cable operators provide customers with a significant amount of information regarding their broadband services and that they continually strive to improve the quality and quantity of communications to better meet customer needs. We also explained that the cable industry is committed to working with the Commission and with other parties to develop additional measurement, disclosure, and educational tools that could benefit consumers. During the discussion, we addressed the following topics:

Measurement of broadband performance. The Cable Representatives explained that online speed tests potentially have some value if they are well designed, but that a poorly designed speed test provides no useful information to consumers. The Cable Representatives expressed general support for the approach taken by Ofcom in the United Kingdom. A number of cable operators have held discussions with SamKnows, the contractor used by Ofcom, and the Ofcom/SamKnows approach is a useful reference point for the development of a common set of metrics for U.S. broadband providers.

The purported gap between “actual” and “advertised” broadband speeds. The Cable Representatives explained that a variety of factors affect broadband performance, many of which are beyond the control of the broadband provider. In addition, we raised questions regarding the methodology for quantifying this gap that has been cited in presentations by the OBI team. Specifically, in the absence of publicly available information describing the methodology, we identified potential concerns in the manner in which the speeds were measured and in the assumptions that were made. We encouraged the OBI team to make sure that the description of this gap in the Broadband Plan, as well as any recommendations for closing it, clearly address the multiple other factors that contributed to the results, separate and apart from the broadband network provider.

Consumer education. The Cable Representatives encouraged the Commission staff to consider developing programs that would educate consumers about the variety of factors that affect their Internet experience. In addition to understanding more about the capabilities and performance of the services provided by broadband Internet access providers, we explained that consumers also would benefit from additional information regarding their home computer equipment and networks, as well as information regarding the performance of web sites and transport networks.

Please do not hesitate to call should you have any questions regarding this filing.

Respectfully submitted,

/s/ **Steven F. Morris**

Steven F. Morris

cc: J. Gurin
J. Saulnier
P. Webre
M. Jacobs
M. Desai
J. Tignor
B. Dever
J. Miller
P. Bowen
B. Neal