



March 11, 2010

**VIA ELECTRONIC COMMENT FILING SYSTEM (ECFS)**

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

**Re: Ex Parte Communication, 47 C.F.R. § 1.1206  
GN Docket Nos. 09-47, 09-51, 09-137; WC Docket No. 09-153**

Dear Ms. Dortch:

On March 11, 2010, Ken Fellman\*, the President of NATOA, Nick Miller and Gerry Lederer of Miller & Van Eaton PLLC, on behalf of NATOA, Ron Thaniel of the United States Conference of Mayors, Tim Lay of Spiegel & McDiarmid LLP on behalf of the City of San Antonio, Texas, Barrie Tabin Berger of the Government Finance Officers Association, Barbara McCall of CapitalEdge on behalf of the City of Dallas, Texas, Joshua Franzel of ICMA, Carolyn Coleman\* and Leslie Wollack\* of the National League of Cities, Jeff Arnold\* of the National Association of Counties, Mitsuko Herrera\* of Montgomery County, Maryland, and I met with Blair Levin, Executive Director, Omnibus Broadband Initiative, Thomas Koutsky, Senior Advisor, Omnibus Broadband Initiative, and Eugene Huang\*, the Government Operations Director, Omnibus Broadband Initiative. Participants noted with an asterisk participated by phone. The meeting was held at the request of Mssrs Levin and Koutsky.

The purpose of the meet was to discuss the role of local governments in the National Broadband Plan. Specifically, the call focused on the approach the National Broadband Plan will take as to local management of rights-of-way. We also discussed rights-of-way in the context of the pending *Level 3* proceeding. In addition to rights-of-way we discussed the approach t he National Broadband Plan will take towards municipal broadband networks and local taxation

Local government participants pointed out the concerns of local government if the Commission were to take steps, either in the National Broadband Plan or the *Level 3* proceeding to limit the local management of rights-of-way, but expressed support for the general proposal of the development of an intergovernmental task force consisting on rights-of-way management best practices.

Pursuant to Commission rules, please include a copy of this notice in the record for the proceedings noted above.



Sincerely,  
*/s/ Matthew R. Johnson*  
Matthew R. Johnson  
Legal Fellow  
NATOA

Cc: Blair Levin, Executive Director, Omnibus Broadband Initiative  
Thomas Koutsky, Senior Advisor, Omnibus Broadband Initiative  
Eugene J. Huang, Government Operations Director, Omnibus Broadband Initiative