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CENTER FOR DEMOCRACY
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1634 Eye Street, NW
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March 22, 2010

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
VIA ELECTRONIC FILING

Re: Notice of *Ex Parte* Presentation in GN Docket 09-191 and WC Docket 07-52

Dear Ms. Dortch:

On Friday, March 19, David Sohn of the Center for Democracy & Technology had a conversation via telephone with Jon Peha, the FCC's Chief Technologist. The conversation focused on the meaning of the term "managed or specialized services" in the proposed Open Internet rules. Mr. Sohn reviewed the elements of the proposed definition of that term that CDT included in the Comments it filed on January 14, 2010. Mr. Sohn also suggested that the Commission could consider an alternative approach to defining the term that would focus on whether a service, if it shares bandwidth with Internet access traffic, does so in a manner engineered to ensure that a robust minimum amount of bandwidth remains available for the Internet access traffic even when the volume of managed or specialized services is unexpectedly high.

In addition, on the question of whether it would be technically possible for carriers to implement user-selected priority on a two-way basis (upstream and downstream), Mr. Sohn suggested that it could be possible to design a system in which priority requests are signaled by encrypted tokens that can be passed along to permit prioritization in both directions.

This letter is being filed electronically, and a copy is being sent to Mr. Peha.

Sincerely,

David M. Sohn
Senior Policy Counsel
Center for Democracy & Technology

