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April 14, 2010

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

Re: *A National Broadband Plan for Our Future*, GN Docket No. 09-51; *Preserving the Open Internet*, GN 09-191; *Broadband Industry Practices*, WC Docket No. 07-52

Dear Ms. Dortch:

We submit this notice in compliance with 47 C.F.R. § 1.1206(b). On April 13, 2010, Matthew Brill of Latham & Watkins LLP (representing Time Warner Cable), Howard Symons of Mintz Levin Cohn Ferris Glovsky and Popeo PC (representing the National Cable & Telecommunications Association), Helgi Walker of Wiley Rein LLP (representing Comcast), the undersigned (representing AT&T), and Michael Glover of Verizon met with Edward Lazarus, Austin Schlick, David Tannenbaum, Colin Crowell, Bruce Gottlieb, and Stuart Benjamin, all of the FCC. We discussed legal theories under Title I of the Communications Act that remain potentially available to the Commission as bases for action on an appropriate record in these dockets, including legal theories that the Commission raised in its appellate brief in the *Comcast* litigation but that the Court rejected on threshold procedural grounds. *See Comcast Corp. v. FCC*, \_\_\_ F.3d \_\_\_, 2010 WL 1286658 (D.C. Cir. 2010). We also discussed potential sources of Commission authority to support broadband deployment, including Sections 1 and 254 of the Communications Act and Section 706(b) of the Telecommunications Act of 1996. Finally, for the reasons discussed in the industry letter filed in these dockets on February 22, 2010, we explained why the Commission should not and legally may not reclassify broadband Internet access service as (or as containing) a “telecommunications service” subject to Title II regulation.

Sincerely yours,

/s/ Jonathan E. Nuechterlein

Jonathan E. Nuechterlein  
Counsel for AT&T Inc.

cc: Edward Lazarus  
Austin Schlick  
David Tannenbaum  
Colin Crowell  
Bruce Gottlieb  
Stuart Benjamin