

H&E
HOLCH & ERICKSON LLP

April 16, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Notice of *Ex Parte* presentation in:

GN Docket No. 09-51
GN Docket No. 09-137
GN Docket No. 09-191
WC Docket No. 07-52
CG docket No. 09-158
CC Docket No. 98-170
WC Docket No. 04-36
WT Docket No. 09-66
GN Docket No. 09-157

Dear Ms. Dortch:

On behalf of the Open Internet Coalition¹ (“OIC”), this letter is to provide information on discussions relating to the above-referenced dockets between participants of the Open Internet Coalition and staff at the Federal Communications Commission.

Participants from the OIC included: Linda Kinney, Dish Network; Emmett O’Keefe, Amazon.com; Megan Anne Stull, Google; Ben Scott, FreePress; Johanna Shelton, Google; Christopher Libertelli, Skype; and Markham Erickson, Holch & Erickson LLP, on behalf of the OIC.

Participants from the Commission were: Eddie Lazarus, Chief of Staff; Austin Schlick, General Counsel; David Tannenbaum, Special Counsel; Zac Katz, Deputy Chief, Office of Strategic Planning and Policy Analysis; Julie Veach, Deputy General Counsel; and Colin Crowell, Senior Counselor, Office of the Chairman.

The purpose of the meeting was to discuss the U.S. Circuit Court of Appeals for the District of Columbia’s decision in *Comcast v. FCC*. We discussed how the decision affects the Commission’s efforts to implement its broadband agenda.

¹ See www.openinternetcoalition.org for a list of participants.

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We underscored that we believe that the Commission retains the authority to implement its broadband agenda under the Commission's existing statutory framework. We encouraged the Commission to work quickly to analyze a new legal foundation, using its existing statutory framework, to implement its broadband agenda.

And, we indicated that our coalition would continue to study the decision, the Communications Act, prior Commission actions, and current factual, legal, and marketplace realities to propose a recommended framework for the Commission to move forward.

Sincerely,

/s/

Markham C. Erickson
Holch & Erickson LLP
and
Executive Director
Open Internet Coalition