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April 30, 2010

EX PARTE

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

RE: Consumer Information and Disclosure, CG Docket No. 09-158; Truth-in-Billing, CC Docket No. 98-170; IP-Enabled Services, WC Docket No. 04-36

Dear Ms. Dortch:

On April 29, 2010, David Don of Comcast, Terri Natoli of Time Warner Cable, Grace Koh of Cox Communications, and Stephanie Podey, 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
Mark Stone, Deputy Chief, Consumer and Governmental Affairs Bureau
Julie Saulnier, Consumer and Governmental Affairs Bureau
Dave Vorhaus, Office of Strategic Planning
Michael Byrne, Office of Strategic Planning
Walter Johnston, Office of Engineering and Technology
James Miller, Office of Engineering and Technology
Jordan Usdan, Wireless Telecommunications Bureau
Greg Elin, Office of Managing Director

The Cable Representatives expressed strong support for the Commission’s decision to hire an independent third party contractor to conduct a six month test of broadband performance. This Commission decision is an important first step in gathering accurate broadband speed data as contemplated in the National Broadband Plan. We particularly appreciate the fact that the contractor chosen, SamKnows, supports an approach that is more rigorous, more open, and more collaborative than the online speed tests relied upon previously.¹ Cable operators are looking

¹ See Letter from Neal Goldberg, National Cable & Telecommunications Association, to Joel Gurin, Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, GN Docket No. 09-51 (Mar. 26, 2010).

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forward to working with the Commission and with SamKnows to ensure that this initial test is a success, and that it forms the basis for scalable, more refined testing going forward.

We explained that this initial SamKnows test should be viewed as a “proof of concept” about broadband measurement rather than a definitive representation of ISP performance. The test should produce a wealth of information that will serve as a baseline for the Commission as it starts to consider the many questions that must be addressed before developing a more permanent broadband performance measurement regime. In particular, we discussed the following specific issues regarding the SamKnows testing methodology as described in the Public Notice released on April 20, 2010:

- The process that SamKnows will apply to confirm the tier of service that panelists actually purchase;
- The process that SamKnows will use for sharing data with panelists, the Commission, the research community, and the public generally;
- The importance of developing statistically valid sample sizes and the consequences of drawing conclusions from small samples; and
- The format to be used by the Commission in eventually reporting the results of the six month test.

In addition to discussing the SamKnows test, the Cable Representatives also discussed the critical importance of consumer education. We agreed with suggestions from staff that it was important to attempt to develop a standard method of informing consumers regarding the level of broadband performance necessary to run typical applications and educating them about the variety of factors that affect broadband performance, particularly factors related to home networks and equipment.

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
M. Stone
J. Saulnier
D. Vorhaus
M. Byrne
W. Johnston
J. Miller
J. Usdan
G. Elin