

April 30, 2010

Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554



RE: Notice of Oral *Ex Parte* Communication
Docket GN 09-191
Docket WC 07-52
Docket GN 09-51

Dear Ms. Dortch:

This notice is submitted in compliance with Section 1.1206(b) of the Commission's Rules.

On April 30, 2010, Tyrone Brown and Andrew Jay Schwartzman of Media Access Project met with Commissioner Clyburn and her Chief of Staff Rick Kaplan with respect to the above-shown dockets.

Mr. Brown argued that the Commission can and should classify broadband services under Title II of the Communications Act. He disputed the conclusion in recently filed letters from carriers that the Commission can construe Title I to provide authority for important elements of the National Broadband Plan. Mr. Schwartzman said that in the wake of the recent *Comcast* decision it is by no means clear that the Commission could ever adopt its proposed open internet rules under Title I, and that the Commission would face years of litigation over every effort to exercise Title I authority. Mr. Brown asked that the Commission move promptly to consider whether to classify broadband under Title II authority.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Jay Schwartzman".

Andrew Jay Schwartzman

cc. Commissioner Clyburn
Rick Kaplan