

April 30, 2010



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

Re: Notice of *Ex Parte* Presentation  
GN Docket No. 09-51 (National Broadband Plan)  
GN Docket No. 09-191 (Preserving the Open Internet)

Dear Ms. Dortch:

On Thursday, April 29, 2010, Parul Desai and Matt Wood of Media Access Project (“MAP”) met with Austin Schlick, General Counsel to the Federal Communications Commission; Julie Veach, Deputy General Counsel; and David Tannenbaum, Special Counsel in the Office of General Counsel (collectively, the “OGC Staff”).

MAP’s representatives reiterated the organization’s position, as set forth more fully in certain filings in the above-captioned dockets, on the proper statutory classification of the transmission component of broadband Internet access service. We suggested that the Commission clarify its authority to oversee this transmission component of wireline and wireless broadband Internet access by recognizing it as a “Title II” service. Contrary to suggestions made recently by network operators and their trade associations, the Communications Act is neither unclear nor ambiguous regarding the proper classification and nature of such a transmission capacity offering.

Classification of the transmission component of broadband Internet access as a Title II service would recognize the Commission’s authority to regulate facilities used to access the Internet – but would do so without purporting to extend or expand Commission jurisdiction over Internet content, applications, and services. Such a step also would, without imposing undue regulation, provide the Commission with firm ground to implement the National Broadband Plan by (1) promoting broadband deployment and adoption; (2) protecting consumers, by requiring appropriate broadband Internet access service disclosures and privacy protections; and (3) preserving the open Internet. MAP’s representatives and OGC Staff present at the meeting discussed various theories of Commission authority to accomplish these vital national broadband policy goals, as the Commission continues to serve its functions as the agency charged with making available facilities for advanced communications by wire and radio and protecting users of such services.

We submit this letter to the Secretary’s office today pursuant to Section 1.1206(b) of the Commission’s rules, 47 C.F.R. §1.1206(b). Please contact the undersigned should you have any questions regarding this submission.

Respectfully submitted,

/s/ Matthew F. Wood

Associate Director  
Media Access Project

cc: Austin Schlick  
Julie Veach  
David Tannenbaum