



May 13, 2010

VIA ELECTRONIC COMMENT FILING SYSTEM (ECFS)

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

**Re: Ex Parte Communication, 47 C.F.R. § 1.1206
GN Docket Nos. 09-47, 09-51, 09-137, WC Docket No. 09-153**

Dear Ms. Dortch:

On May 12, 2010, I sent a copy of the attached document to Commissioner Mignon Clyburn and her Legal Advisor, Angela Kronenberg.

Pursuant to Commission rules, please include a copy of this notice in the record for the proceedings noted above.

Sincerely,
/s/ Matthew R. Johnson
Matthew R. Johnson
Legal Fellow
NATOA



NATOA President: North Carolina Proposal Would Hinder Municipal Broadband Efforts Bad for Local Economy, Contrary to FCC's National Broadband Plan Recommendations

NATOA President Ken Fellman issued a statement criticizing efforts by telecoms in North Carolina to deny consumer access to broadband services by hindering municipal broadband deployment. Fellman stated "Local governments in North Carolina have been in a constant struggle against telecommunications industry efforts to lobby members of the General Assembly for laws restricting a local government's ability to deploy and operate a municipal network. These companies seek to deny a local government the ability to protect its consumers even when there is no provider in the area. Fortunately, North Carolina legislators have, to date, sided with consumers, and preserved fiber to the home projects such as those in Wilson and Salisbury."

Despite these victories some of the entrenched incumbents have started an Astroturf campaign to again attempt to derail municipal efforts. Ken Fellman stated that NATOA's opposition to these anticompetitive industry efforts is based on both policy and procedural grounds. "The evidence is clear that municipal broadband deployment, including fiber to the home projects, can be very valuable in stimulating the local economy and offering consumer choice. In these tough economic times, it is critical that the North Carolina legislature consider what communities need to attract and protect local jobs. Any legislation considered should be fully vetted by the public, and not be passed through parliamentary maneuvers." Fellman also noted that "it is ironic and disappointing that such a bill would be pushed only weeks after the release of the National Broadband Plan in which the FCC specifically recommended the repeal of state laws that hinder municipal broadband efforts and when applications of a number of North Carolina communities are competing for broadband stimulus dollars. To push for new state restrictions at this time is very counterproductive."

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