

May 19, 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 Tuesday, May 18, 2010, Tyrone Brown and Matt Wood of Media Access Project (“MAP”) participated in a telephone conversation with Chairman Julius Genachowski and Sherrese Smith, Legal Advisor to the Chairman. During that conversation, Mr. Brown explained MAP’s position, as set forth more fully in certain filings in the above-captioned dockets, regarding the proper statutory classification as a Title II service of the transmission component of broadband Internet access offerings.

Mr. Brown urged the Commission to follow through expeditiously on its proposed approach to making this classification determination, citing the need for regulatory certainty and timely implementation of the National Broadband Plan. He also discussed the Commission’s authority to make the determination, suggesting that the decision can and must be grounded in thorough statutory analysis, a proper interpretation of the Telecommunications Act of 1996, and careful consideration of prior Commission decisions. Finally, Mr. Brown suggested that the Commission undertake – separate from but in conjunction with the classification determination – a careful, section-by-section forbearance analysis for various Title II provisions. Such an approach would contribute to the regulatory certainty mentioned above, but would not lead the Commission either to remove too few obligations for carriers nor eliminate too many protections for broadband users and consumers.

We submit this letter 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.

Respectfully submitted,

/s/ Matthew F. Wood

Associate Director
Media Access Project

cc: Chairman Julius Genachowski
Sherrese Smith