

May 28, 2010

Ex Parte

VIA ECFS

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

Re: National Broadband Plan, GN Docket No. 09-51; Consumer Information and Disclosure, CG Docket No. 09-158

Dear Ms. Dortch:

On May 27, 2010, Timothy Vogel, Mary Crespy and the undersigned of Verizon, Jim Smith of AT&T, Jeb Benedict of CenturyLink, David Don and Jason Livingood of Comcast, Dan Meredith and Ben Lennet of New America Foundation, Steve Morris of NCTA, Scott Landman of nuMetra, Jeff Hubbard and Melissa Newman of Qwest, Terri Natoli of Time Warner Cable, Ken Ko of Adtran and Genie Barton of USTelecom met with the following Commission personnel: Joel Gurin and Julie Saulnier of the Consumer and Governmental Affairs Bureau, Julius Knapp, Walter Johnston and James Miller of the Office of Engineering and Technology, David Vorhaus, Brian David, Rohit Dixit, and Kevin Kling of the Omnibus Broadband Initiative, Jordan Usdan of the Wireless Telecommunications Bureau and Greg Elin of New Media Plan Program Office.

The purpose of the meeting was to discuss the work of a collaborative effort that has been focused on exploring the various technical issues related to the development of standardized performance metrics for fixed, residential broadband services. The group explained that for several months, technical experts from various industry and consumer stakeholders have been meeting informally in an attempt to develop some consensus regarding the appropriate testing methodology for measuring fixed broadband performance. The group also noted that it is open to new participants to help work on this issue.

In the meeting, the representatives of this technical collaborative explained how the group has approached the complex task associated with developing a testing methodology that will provide comparable, apples-to-apples, performance data across different broadband platforms and technologies. In particular, the group explained that it has approached the issue by breaking it down into three different buckets - network topology; testing processes and parameters; and data presentation. The representatives emphasized that any performance metrics that the FCC ultimately publishes should be gathered and presented in a way that is fair and meaningful across providers and

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technologies so as not to distort true network performance or provide information that is misleading or not meaningful to consumers.

The representatives of the collaborative indicated that they hope to develop a dialogue with the Commission surrounding the various technical issues associated with developing an appropriate testing methodology as the Commission continues its thinking on this issue. The group also emphasized the importance of working together to engage on the technical aspects of broadband testing and data presentation resulting from the SamKnows initiative. The group indicated a willingness to provide feedback to help improve the likelihood that the final SamKnows test methodology yields accurate and meaningful data that can be broadly supported.

Sincerely,

A handwritten signature in black ink that reads "Donna Eppz". The signature is written in a cursive, slightly slanted style.

cc: Joel Gurin
Julius Knapp
Brian David
Rohit Dixit
Greg Elin
Walter Johnston
Kevin Kling
James Miller
Julie Saulnier
Jordan Usdan
David Vorhaus