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June 8, 2010

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

Re: A National Broadband Plan for Our Future, GN Docket No. 09-51; Preserving the Open Internet; GN Docket 09-191; Broadband Industry Practices WC Docket No. 07-52.

Dear Ms. Dortch:

On June 7, 2010, on behalf of the Telecommunications Industry Association (TIA), Danielle Coffey, Vice President, Government Affairs, TIA; Rebecca Schwartz, Director, Regulatory and Government Affairs, TIA; Allison Ellis, Director, Regulatory Policy, Ericsson; Paul Kenefick, Vice President, Public Affairs, Alcatel-Lucent; and the undersigned, Barry Ohlson of Wilkinson Barker Knauer, held separate meetings with Christi Shewman, Legal Advisor for Wireline and Universal Service to Commissioner Baker and Christine Kurth, Policy Director and Legal Counsel to Commissioner McDowell. They, along with Doug Cooper, Vice President, Regulatory and Market Development, One Chip Photonics, and Bryan Tramont, Wilkinson Barker Knauer, also met with Austin Schlick, Julie Veach and David Tannenbaum, of the FCC's Office of General Counsel. Finally, Danielle Coffey, Rebecca Schwartz, Allison Ellis, Doug Cooper and Barry Ohlson also held a meeting with Rick Kaplan, Chief of Staff to Commissioner Clyburn. All of the meetings focused on the recent FCC announcements regarding a "third way" proposal to regulate certain aspects of broadband Internet access service.

During all of the meetings, TIA described the role its member companies play as the manufacturers and suppliers of products and services used in the provision of broadband and broadband-enabled applications. TIA commented on the importance of regulatory certainty as an engine for growth in the information, communications and technology (ICT) sector.

TIA expressed its concern with the "third way" approach as currently proposed. TIA prefers that the Commission continue to pursue ancillary authority under Title I because of the regulatory certainty and flexibility it affords the Commission and industry.

Ms. Marlene Dortch

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TIA described the potentially negative impact a Title II approach, even with the “third way,” could have on investment and innovation in the broadband marketplace. TIA also discussed the technical challenges the FCC and companies will face in identifying which elements of broadband Internet access will fall under Title I and which will fall under Title II under the “third way” approach. Finally, TIA expressed its concern that under the “third way,” broadband Internet business plans and network architecture designs will not necessarily be based on good engineering, but instead will be forced to conform to regulatory dictates established by the “third way” approach.

In all of its meetings, TIA discussed the significance of the proposal to adopt wide-spread forbearance of most Title II provisions under the “third way.” TIA expressed its concern that the scope of forbearance may narrow during this proceeding. It urged all meeting participants to take the necessary steps to ensure that forbearance is as well supported and sufficiently justified as possible.

Finally, TIA indicated that it would actively participate in the upcoming proceeding and offered the expertise of its members on technical issues that may arise as reclassification issues are considered.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed with your office via ECFS. Courtesy copies also are being distributed to the meeting attendee via email. Should you have any questions, please do not hesitate to contact us.

Respectfully submitted,

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/s/  
Barry J. Ohlson

cc: Christine Kurth  
Christi Shewman  
Austin Schlick  
Julie Veach  
David Tannenbaum  
Rick Kaplan