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June 16, 2010

Via Electronic Delivery

Ms. Marlene H. Dortch
Federal Communications Commission
The Portals, TW-A325
445 12th Street SW
Washington, DC 20554

Re: Notice of Ex Parte Presentation – GN Dkt. 09-51, *National Broadband Plan*; MB Dkt. 10-56, *Application of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licenses*

Dear Ms. Dortch:

On Tuesday, June 15, 2010, Rolla P. Huff, Chairman and Chief Executive Officer, EarthLink, Inc. (“EarthLink”), Samuel R. DeSimone, Jr., General Counsel, EarthLink, Donna N. Lampert and the undersigned, both of Lampert, O’Connor & Johnston, P.C., met with the following Commissioners and staff: Commissioner Copps, Josh Cinelli, Media Advisor to Commissioner Copps, and Danielle Andrews-Lovell, intern; Commissioner Baker, and Bradley Gillen, Legal Advisor to Commissioner Baker; Commissioner McDowell, and Rosemary Harold, Legal Advisor to Commissioner McDowell; and Commissioner Clyburn, Louis Peraertz, Acting Legal Advisor to Commissioner Clyburn, and Jeff Kao, intern, regarding the above-referenced proceedings. Mark J. O’Connor of Lampert, O’Connor & Johnston, P.C, also attended the meeting with Commissioner Clyburn.

EarthLink discussed the importance of wholesale access and competition consistent with previous filings made in the National Broadband Plan proceeding. The parties also described the harms of the proposed Comcast-NBCU merger, including the ability and incentive of the merged entity to engage in vertical foreclosure and anticompetitive horizontal harms. This would impair the diversity of information and Internet sources available to the public, video competition, as well as broadband adoption and deployment. To ensure the public interest is met, EarthLink urged the Commission to impose a structural remedy similar to the wholesale standalone broadband access condition adopted with the AOL-Time Warner merger.

EarthLink and counsel also met with the Comcast/NBCU transaction team, including: Jessica Almond, Deborah Broderson, William Freedman, Daniel Shiman, and Jennifer Tatel of the Media Bureau; Jim Bird and Virginia Metallo, of the Office of General Counsel; Erin McGrath, of the Wireless Telecommunications Bureau; and John Flynn, Special Advisor to the Chairman. In this meeting, the parties discussed the proposed merger and EarthLink’s proposed condition.

Lampert, O'Connor & Johnston, P.C.

EarthLink, Inc. and New Edge Network, Inc. Ex Parte

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Pursuant to the Commission's rules, one copy of this memorandum is being filed electronically in the above-referenced dockets for inclusion in the public record. Please do not hesitate to contact me directly if you have any questions.

Respectfully submitted,



Jennifer P. Bagg
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cc: (via electronic mail)

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