

June 30, 2010

Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: Notice of Oral *Ex Parte* Communication
GN Docket No. 09-191
WC Docket No. 07-52
GN Docket No. 10-127

Dear Ms. Dortch:

On June 29, 2010, I met with Chief of Staff Edward Lazarus. This notice is submitted in compliance with Section 1.1206(b) of the Commission's Rules.

I gave my thoughts on two of the proposals for open Internet rules made by broadband access providers and Internet companies during meetings held at the Commission last week. The access providers have proposed a "nondiscrimination standard" that would be based upon whether there was any harm to consumers or applications/content providers. I stated that Public Knowledge preferred an "unjust and unreasonable" discrimination standard to the "harm" standard, which is susceptible to greater manipulation by the carriers (*e.g.*, paid prioritization by applications providers "helps" consumers because the edge providers, not consumers, pay for it).

With regard to wireless, I stated that it was unacceptable for wireless broadband access not to be subject to the same baseline open Internet rules as wireline broadband access, but that some type of short-term glide path to full regulation would be acceptable. And, as Public Knowledge has said in its filings, wireless providers should be given more leeway in determining what is "reasonable network management." The Commission could also review the application of the open Internet rules to wireless periodically to guard against any unintended consequences of the regulation. In the alternative, the FCC could declare that wireless Internet access is not "broadband" and as a result, for example, would not consider wireless for purposes of determining whether the broadband market is competitive or give wireless Internet access the full benefits (such as Universal Service) for which other broadband providers would be eligible.

Sincerely,



Gigi B. Sohn
President

cc. Edward Lazarus