

Exhibit A

Declaration of Howard Pfeffer

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Framework for Broadband Internet Service) GN Docket No. 10-127
)

DECLARATION OF HOWARD PFEFFER

1. My name is Howard Pfeffer. My business address is 13820 Sunrise Valley Drive, Herndon, VA 20171. I am Group Vice President, Broadband Engineering and Technology, for Time Warner Cable Inc. ("TWC"), a position I have held since 2005. I am responsible for the architecture, design, and engineering development of the network and IP services used to deliver TWC's broadband Internet access, voice, and commercial services.

2. The purpose of my declaration is to describe aspects of the core functionality of TWC's broadband Internet access service. As I explain below, TWC's broadband Internet access service is not a pure transport service. Rather, it relies on complex interactions with stored information that make Internet communications possible. These information-processing capabilities are inherent in the service.

3. TWC's broadband Internet access offerings have always relied upon and incorporated various types of information-processing and other interactive capabilities that are increasingly integral to the service and that are unique to Internet communications (and do not apply in the context of services that offer only pure transport). Perhaps most notable among these functionalities is the Domain Name System ("DNS") naming service. DNS requires a complex interaction among dispersed servers, using stored information to match user-friendly host names (*e.g.*, www.hostname.com) to numeric IP addresses used by the network to find

devices. As far as I am aware, every major provider of broadband Internet access service uses DNS as an integral part of its offering.

4. Another basic attribute of TWC's service is its use of the dynamic host configuration protocol ("DHCP"). In order for a device to send information to or receive information from the Internet, it must have an IP address so it can be "found" on the Internet. Users are temporally assigned an IP address. The standard TWC residential broadband Internet access service assigns a single address per customer from a pool of addresses allocated to TWC. If customers have multiple devices, they typically use a "NAT" router to share the assigned address across the devices. When a customer's device is started up, its network software, or "DHCP client," transmits a "broadcast query" requesting necessary information from a DHCP server, which manages a pool of IP addresses and information about client-configuration parameters such as the default gateway, TWC's DNS server IP addresses, and other information. Upon receiving a valid request, the server assigns the computer an IP address, a lease (length of time the allocation remains valid), and other IP configuration parameters, such as the subnet mask and default gateway. This process must be completed to enable a subscriber to initiate IP-based communication with other hosts, including both web servers and individuals' devices.

5. In addition, TWC's broadband Internet access service utilizes protocol processing to filter packets that are not in IP format and that are thus not compatible with the Internet, which of course relies on IP. On TWC's network, such filtering can occur either at the cable modem termination system ("CMTS")—the equipment that operators like TWC use to link the hybrid fiber-coax network to high-capacity IP backbone facilities—or at the cable modem (for upstream transmissions). Thus, in contrast to telecommunications services that can and do transmit all

packets, cable modem services necessarily are selective with respect to the end user traffic they transmit in light of the need to ensure compatibility with the Internet.

6. With Road Runner, TWC does not offer a capability to engage in the type of deliberate point-to-point, transparent communication that characterizes telecommunications services. For example, when a user clicks on a particular website in a browser, she is not selecting an end point with which to communicate, but rather designating a *virtual* host name which may correspond to one or more locations at which information is stored. The user can retrieve the stored information because the DNS naming service, via information processing and telecommunications, translates the host name into an IP address that the network can use to locate the device(s) storing the information. Notably, revisiting the same website may subsequently require interaction with an entirely different set of points. Thus, the end points of the various communications are not chosen by the user; rather, they are a function of the service's core information-processing capabilities. This functionality differs from commercial telecommunications offerings in which the user orders a transport communication service between or amongst specific physical addresses (*e.g.*, office locations).

7. This concludes my declaration.

I, Howard Pfeffer, declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.


Howard Pfeffer

Date: 8-12-2010