



September 13, 2010

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

RE: **Ex Parte Letter via Electronic Filing**

- GN Docket No. 09-191, WC Docket No. 07-52: *Preserving the Open Internet; Broadband Industry Practices*
- CC Docket Nos. 02-33, 01-337, 95-20, 98-10, GN Docket No. 00-185, CS Docket No. 02-52: *Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities et al.*
- GN Docket No. 10-127: *Framework for Broadband Internet Service*

Dear Ms. Dortch:

This *ex parte* letter reports on a September 10, 2010 meeting with Zac Katz, Legal Advisor for Wireline Communications, International and Internet Issues. Attending the meeting from the Joint Center for Political and Economic Studies (“Joint Center”) were Lindsay Boroush, Communications and Policy Manager, Media and Technology Institute, and myself.

The Joint Center is deeply concerned about the divisive tone that the Open Internet debate has taken. We believe that if the conversation between civil rights groups who are perceived to be opposed to network neutrality, and those who are seen to promote it, continues on its current trajectory, that it will ultimately cause irreversible damage to efforts to stimulate broadband adoption and digital literacy in the communities that need it most. As such, the Joint Center seeks insights from the Commission regarding research the Joint Center might pursue that will provide a factual frame of reference for researchers, advocates, and policymakers.



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Identifying a Plausible Economic Analysis that Will Reduce or Remove Speculation Regarding The Likely Market Effects of Reclassification

The Joint Center seeks to identify analogous economic analyses that may shed light on the most likely market impacts of the Commission’s proposed approach to regulating Internet connection as a common carrier service.

Clarifying the Distinction Between the Proposed Legal Framework for Regulating Broadband Internet Access Providers and the Open Internet Proceeding

The distinction between the Open Internet proceeding (i.e., codification of the Open Internet principles)¹ and the underlying legal framework² can sometimes get lost in translation, adding an unnecessary layer of complexity to an already contentious debate.

Recommending Policies in Full Consideration of Legal and Factual Constraints

Policy recommendations made in a vacuum, without assessing legal realities, can stagnate efforts to stimulate broadband adoption, use, and innovation in low income communities. Therefore, the Joint Center seeks to make policy recommendations only in light of reliable data and actual legal boundaries.

¹ See *Preserving the Open Internet, Broadband Industry Practices*, 74 Fed. Reg. 62638 (proposed Oct. 22, 2009)(to be codified at 47 CFR Part 8).

² See *Framework for Broadband Internet Service*, 75 Fed. Reg. 36071 (proposed June 17, 2010)(GN Docket No. 10-127).



Respectfully Submitted,

/s/ Joseph S. Miller

Joseph S. Miller, Esq.
Deputy Director and Senior Policy Director
Media and Technology Institute

