Arent Fox

September14, 2010

Alan G. Fishel
Attorney
202.857.6450 DIRECT
202.857.6395 FAX
fishel.alan@arentfox.com

VIA ELECTRONIC FILING

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

Re: *Ex Parte Communication*, CC Docket No. 02-6, GN Docket No. 09-51

Dear Ms. Dortch:

On September 13, 2010, on behalf of the Internet2 K20 Initiative, Gary Bachula of Internet 2, and Alan Fishel, counsel for Internet2, had three separate meetings at the Commission. We met with Christine Kurth, legal advisor to Commissioner McDowell; Angie Kronenberg, legal advisor to Commissioner Clyburn; and Christi Shewman, legal advisor to Commissioner Baker. We discussed our views that the Commission should rule that an eligible entity should be able to receive E-rate funding for, among other things, (i) the receipt of lit service from any broadband provider; (ii) the leasing of dark fiber from any broadband provider; and (iii) the lighting of fiber, which the eligible entity already owns or otherwise has control over, by any broadband provider. In addition, we discussed our view that the Commission should rule that eligibility for the provision of dark fiber should not be dependent on where the modulating electronics are located or who owns the modulating electronics. Our discussion reiterated the points raised in the September 1, 2010 filing of the Internet2 K20 Initiative in this proceeding.

Respectfully submitted,

Alan Fishel

Alan G. Fishel