



VIA ELECTRONIC DELIVERY

November 5, 2010

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

Re: Late filing of reply comments, or in the alternative, ex parte communication in
GN Docket No. 09-191 and WC Docket No. 07-52

Dear Ms. Dortch:

Reply comments on *Further Inquiry into Two Under-Developed Issues in the Open Internet Proceeding*, Public Notice, DA 10-1667 (rel. September 1, 2010) (“*Public Notice*”), were due November 4, 2010. The National Association of State Utility Consumer Advocates (“NASUCA”) had prepared reply comments, but, due to counsel’s error, they were not filed. NASUCA requests that the Federal Communications Commission (“Commission”) accept these reply comments, filed one day late. Given that these are reply comments, no party will be prejudiced by this slightly-late filing. In the alternative, NASUCA requests that the Commission accept this as an ex parte communication, pursuant to 47 C.F.R. § 1.1206. Thank you for your attention to this matter.

Respectfully submitted,

/s/ David C. Bergmann

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