

December 1, 2010

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



Re: Notice of *Ex Parte* Presentation
GN Docket No. 10-127 (Broadband Internet Service Framework)
GN Docket No. 09-191 (Preserving the Open Internet)

Dear Ms. Dortch:

On Wednesday, December 1, 2010, Tyrone Brown, President of Media Access Project (“MAP”) spoke briefly by telephone with Commissioner Michael J. Copps regarding matters in the above-captioned dockets. Mr. Brown reiterated MAP’s documented position in these proceedings that, in light of the continuing need for oversight of critical Twenty-first Century communications infrastructure, the Commission still should classify the transmission component of broadband Internet access as a telecommunications service. Recognition of this fundamental character of broadband transmission offerings would represent the surest authority for efforts not only to preserve the open Internet, but also to implement the National Broadband Plan.

Mr. Brown also discussed the need for the Commission to retain its traditional authority over such telecommunications networks, especially in an increasingly concentrated market. For nearly eighty years, the Supreme Court and other courts have affirmed that the Communications Act gives the Commission oversight authority over the electronic pathways to the marketplace of ideas. While different cases might use different rationales to reach this result, they all assiduously guard against any threat to the free flow of ideas, and thus allow for sensible protections of the channels of communication.

Finally, Mr. Brown noted that a “Title I” approach to net neutrality could lead to years of uncertainty, as the Commission would need to justify broadband access oversight in a multitude of contexts rather than clarifying its general authority over broadband transmission services. For these reasons, MAP has urged the Commission not to abandon its traditional approach to oversight of communications bottlenecks – an approach that the courts have helped to shape.

We submit this letter today pursuant to Section 1.1206(b) of the Commission’s rules, 47 C.F.R. §1.1206(b). Please contact the undersigned should you have any questions.

Respectfully submitted,

/s/ Matthew F. Wood

Associate Director
Media Access Project

cc: Commissioner Michael J. Copps