

December 1, 2010



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

RE: Notice of Oral *Ex Parte* Communication  
Docket GN 10-127  
Docket GN 09-191

Dear Ms. Dortch:

This notice is submitted in compliance with Section 1.1206(b) of the Commission's Rules.

On November 30, 2010, Tyrone Brown and Andrew Jay Schwartzman of Media Access Project ("MAP") spoke by telephone with the Dave Grimaldi, Commissioner Clyburn's Chief of Staff and Media Legal Advisor. During the course of a conversation on unrelated matters, they briefly mentioned the pending Open Internet proceeding. They argued that in any open internet order, the Commission should classify broadband internet access services as telecommunications services under Title II of the Communications Act. They stressed that there are significant litigation risks in proceeding under Title I, and that an adverse result in judicial review of such an order would leave the Commission powerless to act in the event of future problems.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew Jay Schwartzman".

Andrew Jay Schwartzman

cc. Dave Grimaldi