



Berkman

The Berkman Center for Internet & Society
at Harvard University

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December 7, 2010

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
Doctoral Colloquium Co-Chairs

Re: Ex-Parte Notice: GN Docket No. 09-191

Dear Ms. Dortch:

On December 6, 2010, the undersigned conducted a telephone conversation with Zac Katz, Legal Advisor for Wireline Communications, International and Internet Issues to Chairman Genachowski to discuss the above-captioned proceeding.

In the conversation I suggested certain limitations I saw in using Chairman Waxman's draft bill as a model for the Commission's Open Internet rules. In particular, I emphasized the need for greater clarity on what aspects of broadband Internet service that utilize wireless technologies should not be excluded from the basic requirements applicable to wireline; the need for clarity on avoiding prioritization schemes that could have anticompetitive effects; the need for adjusting the definition of reasonable network management to enable benchmarking among technologically comparable providers; and similar specific limitations of the draft bill as a basis for the new order.

Respectfully submitted,

Yochai Benkler