

December 15, 2010

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

Re: WC Docket No. 07-52
GN Docket No. 09-191

Dear Ms. Dortch:

On December 14, 2010, I spoke separately with Margaret McCarthy, advisor to Commissioner Copps, and Angela Kronenberg, Advisor to Commissioner Clyburn, with regard to the above captioned proceeding.

PK noted that the press reported today that Comcast planned to release an “Internet enabled” integrated set-top box/cable modem which would allow Comcast to control what websites and content a subscriber accessed for display on the television screen.¹ According to press reports, Comcast hopes the device, called “XCalibur,” will “slay” competitors such as Google TV.² The device is described as “Internet enabled” but the articles also explain that Comcast plans to control what websites users may visit.

This example highlights the critical importance of adopting a definition of “broadband Internet access service” similar to the definition proposed in the *NPRM*, rather than the definition proposed in the Waxman framework. Under the Waxman definition, Comcast could block, degrade, or otherwise discriminate through the XCalibur because Comcast would merely be offering the service as “Internet enabled” but not capable of going to “all, or substantially all” Internet websites.

In accordance with Section 1.1206(b), this letter is being filed with your office. If you have any further questions, please contact me at (202) 861-0020.

Respectfully submitted,

/s/Harold Feld
Legal Director

cc:

Magaret McCarthy
Angela Kronenberg

¹ “Comcast Tests Combo Internet-Cable Device,” Wall Street Journal (December 13, 2010) available at: http://online.wsj.com/article/SB10001424052748704091204576017921595179398.html?mod=ITP_marketplace_0

² “Comcast Hopes To Slay Google TV with Xcalibur,” PCWorld (December 13, 2010) available at: http://www.peworld.com/article/213549/comcast_hopes_to_slay_google_tv_with_xcalibur.html