



A Professional Limited Liability Company

1333 New Hampshire Ave., NW, Fl 2
Washington, DC 20036
Telephone: (202) 872-6811
Facsimile: (202) 683-6791

Chicago Office
307 North Michigan Ave., Suite 1020
Chicago, Illinois 60601
Telephone: (312) 372-3930
Facsimile: (312) 372-3939

Barbara S. Esbin
Admitted in the District of Columbia

May 19, 2011

Via ECFS

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

**Re: American Cable Association (“ACA”) Notice of Ex Parte Presentation;
Preserving *the Open Internet, Broadband Industry Practices*; GN Docket
Nos. 09-191 and 10-127; WC Docket No. 07-52.**

Dear Ms. Dortch:

On May 18, 2011, Matt Polka, President, (via telephone), Ross Lieberman, Vice President, Government Affairs, ACA; Alexandra Liopiros, Intern, Cinnamon Mueller, and the undersigned; together with Rick Chessen and Steven Morris, National Cable Telecommunications Association, met with Zachary Katz, Legal Advisor for Wireline, International and the Internet, Chairman Genachowski; Jordan H. Usdan, Office of Strategic Planning and Policy Analysis; Walter Johnston, James J. Miller, and Henning Shulzrinne, Office of Engineering and Technology, to discuss the disclosure requirements adopted by the Commission in its December 2010 *Open Internet Order*.¹

During the meeting, participants discussed: (i) disclosure obligations related to network performance, the suitability of the service for real-time applications, and end-user or network security; (ii) the nature of disclosure obligations at the point of sale; (iii) whether the list of disclosure obligations discussed in the text of the *Open Internet Order* is exhaustive; and (iv) what it means for a disclosure to be in an “accessible” format.² ACA discussed general member company concerns about the lack of certainty with respect to what would be considered adequate disclosures and specific concerns about the nature and scope of the disclosure obligation concerning broadband Internet service performance characteristics. In addition, ACA noted that compliance with overly complex or burdensome disclosure obligations would overwhelm smaller providers with few staff and limited financial resources.

¹ *Preserving the Open Internet*, GN Docket No. 09-191, Report and Order, 25 FCC Rcd 17905 (2010) (“*Open Internet Order*”).

² See *Open Internet Order*, ¶¶ 53-57.

If you have any questions, or require further information, please do not hesitate to contact me directly. Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically with the Commission.

Sincerely,


Barbara S. Esbin

cc (*via email*): Zachary Katz
Jordan Usdan
Walter Johnston
James J. Miller
Henning Schulzrinne
Rick Chessen
Steve Morris