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June 6, 2011

Via ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
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 June 3, 2011, Ross Lieberman, ACA, Barbara Esbin, Cinnamon Mueller, and the undersigned, Thomas Cohen of Kelley Drye & Warren LLP, had a telephone call with Zac Katz, Legal Advisor for Wireline Communications, International and Internet Issues to Chairman Genachowski, Chris Killion, Office of General Counsel, and Henning Shulzrinne, Office of Engineering and Technology. The purpose of the call was to discuss the disclosure requirements in the *Open Internet Order*.¹ ACA expressed its continued concern that some disclosure requirements would place substantial burdens on smaller broadband providers and is seeking to avoid that outcome. ACA focused the discussion on the *Open Internet Order's* requirement that broadband providers disclose the actual speed and latency of their broadband service and discussed the fact that smaller providers lack the testing capabilities to measure actual speed and latency over their infrastructure on an individual customer basis. ACA discussed the use of relevant objective and accepted reports of speed and latency measurements to supplement the data and information that is already available to these providers about their networks.

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

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This letter is being filed electronically pursuant to section 1.1206 of the Commission's rules.

Sincerely,



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Counsel for the American Cable Association

cc: Z. Katz
C. Killion
H. Shulzrinne