

October 26, 2011

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Marlene H. Dortch
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

OCT 26 2011

Federal Communications Commission
Office of the Secretary

Re: ***Notice of Ex Parte Communication***

RCN Telecom Services, Inc.'s Petition for Waiver of Section 76.630(a) of the Commission's Rules, File No. CSR-8525-Z

Basic Service Tier Encryption, MB Docket No. 11-169

Compatibility Between Cable Systems and Consumer Electronics Equipment, PP Docket No. 00-67

Dear Ms. Dortch:

This is to inform you that, yesterday afternoon, Thomas Steel of RCN Telecommunications Services, Inc. and I met with FCC staff to discuss the above-captioned proceedings related to encryption of the basic service tier. Present on behalf of the FCC were Michelle Carey, Nancy Murphy, Alison Neplokh, Steven Broeckaert, Brendan Murray and Krista Witanowski.

We briefly reviewed RCN's petition for waiver and its reply comments in that proceeding. We also urged the Commission not to hold RCN's petition in abeyance while its just-released encryption rulemaking is pending. We suggested instead that the Commission could grant RCN's petition subject to future compliance with any requirements ultimately adopted in the rulemaking, as it has done routinely in the past. See, e.g., *Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks*, 25 FCC Rcd. 5145, 5174 (2010) (conditioning waiver on agreement to comply with, *inter alia*, rules "as may be adopted in future").

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Ms. Marlene H. Dortch
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Pursuant to the Commission's *ex parte* rules, I am filing one electronic copy of this letter in both MB Docket No. 11-169 and PP Docket No. 00-67 and an original and one copy of this letter in File No. CSR-8525-Z, as electronic filing is not possible in that proceeding.

Sincerely,

/s/

Michael Nilsson

Counsel to RCN Telecom Services, Inc.

Cc: Michelle Carey
Nancy Murphy
Alison Neplokh
Steven Broeckaert
Brendan Murray
Krista Witanowski