

VIA ECFS

EX PARTE NOTICE

February 9, 2012

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W. – Room TWB-204
Washington, DC 20554

Re: Notice of Oral Ex Parte Presentation
CG Docket No. 09-158, CC Docket No. 98-170, WC Docket No. 04-36

Dear Ms. Dortch:

On February 8, 2012, Tom Larsen and J.R. Walden of Mediacom Communications Corporation, Steve Morris and Jim Partridge of the National Cable & Telecommunications Association, along with the undersigned met with Walter Johnston and James Miller of the Electromagnetic Compatibility Division of the Commission's Office of Engineering and Technology to discuss the Commission's ongoing efforts towards establishing standards for measuring the performance of the Internet, and in particular Mediacom's concerns regarding the upcoming "Phase II" of the "Measuring Broadband America" project that is going to be conducted by SamKnows for the Commission.

As we discussed in the meeting, during the initial round of broadband speed testing by SamKnows last year, the testing methodology did not always account for significant differences between ISPs in terms of the relative distances between the various ISPs and the selected M-Lab measurement points. In particular, measuring results using a limited number of servers located in metropolitan areas disadvantaged providers such as Mediacom who do not have their own networks serving such locations.

Mediacom also noted that the small size of the sample used in the first round increased the risk that the anomalous results of just a few geographically remote testers would distort the company's overall reported performance. In Mediacom's case, despite the large majority of Mediacom customers being located in Midwestern states such as Iowa, Minnesota, Illinois, and Missouri, the universe of testers identified by SamKnows included an inordinate number of testers from more sparsely served locations outside of the Midwestern core. We explained how the disproportionate inclusion in an overall small sample of subjects from those states outside the

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core area of Mediacom's service had a corresponding disproportionate impact on the measured results.

In order to reduce the risk that the future measurement of Mediacom's performance would be skewed by data from unrepresentative testing locations and by the small size of the test sample, we discussed ways to ensure that the upcoming second round of testing fairly and accurately measure the performance of Mediacom's Internet networks. We explored ways to work with the Commission and SamKnows so that its evaluation of Mediacom's performance would appropriately reflect Mediacom's subscriber distribution. We also discussed the possibility of Mediacom (at its own cost) deploying additional measuring servers at one or more significant peering locations for Mediacom.

As required by Section 1.1206(b) of the Commission's rules, this notification is being filed electronically in the public record in the above-captioned proceedings. Please direct any questions regarding this matter to the undersigned.

Sincerely,



Craig A. Gilley
Counsel for Mediacom Communications Corporation

cc: Walter Johnston
Office of Engineering and Technology

James Miller, Esq.
Office of Engineering and Technology