



March 28, 2012

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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, Southwest
Washington, DC 20554

Re: Ex Parte Presentation in Docket Number GN 12-52

Dear Ms. Dortch:

On March 27, 2012, John-Paul Sauer, Jeffrey Domash, and Andrew Crain of the Samuelson-Glushko Technology Law and Policy Clinic met with Aaron Garza, Timothy May, and Daniel Kirschner of the FCC regarding the above captioned docket at the FCC building in Washington D.C.

At this meeting, we presented issues that we are currently investigating as part of a comment we intend to file in this matter. The discussion primarily focused upon our position that the FCC, in the instance it takes further action in this matter, should take into consideration the consistent foreign policy view that networks should remain open.

In particular, we discussed at length, the similarities and differences between the BART incident and incidents in foreign countries where networks were shut down. We were pressed on determining a standard by which to judge network shutdowns. We also discussed some of the First Amendment issues surrounding this matter and the jurisdictional authority of the FCC.

We also asked the above FCC employees some questions regarding the matter. We asked whether the State Department has become involved in this matter and we were told that it was not. We also asked whether this matter may proceed beyond the public notice and we were told that it has significant potential to go beyond the public notice phase, although no plans have been made. We also asked how we could be most helpful to the commission on this matter and we were told that it may be helpful to discuss the similarities and differences between the BART incident and international incidents where networks were closed.

We hereby submit this notice of *ex parte* communication pursuant to 47 C.F.R. § 1.1206

Respectfully Submitted,

John Sauer
Jeffrey Domash
Andrew Crain