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April 24, 2014

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

**Re: Notification of Ex Parte Presentation of the National Cable & Telecommunications Association, GN Docket No. 14-28**

Dear Ms. Dortch:

On April 22, 2014, Rick Chessen of the National Cable & Telecommunications Association (“NCTA”), along with the undersigned and Matthew Murchison, both of Latham & Watkins LLP, met with Matthew DelNero, Carol Simpson (by phone), and Kristine Fargotstein of the Wireline Competition Bureau and with Stephanie Weiner and Claude Aiken of the Office of General Counsel in connection with the Public Notice released on February 19, 2014, in the above-referenced proceeding.

At the meeting, we suggested that the Commission’s consideration of further Open Internet rules in light of the *Verizon* decision<sup>1</sup> should be guided by the basic principles set forth in NCTA’s comments in this proceeding.<sup>2</sup> In particular, we noted that the transparency rule upheld by the *Verizon* court provides a practicable, market-based means of promoting Internet openness. We also explained that, to the extent the Commission considers adopting a revised no-blocking rule as a regulatory backstop to the transparency rule, it should seek to ensure that any such requirement gives parties sufficient flexibility to reach individualized agreements so as to avoid imposing common carrier-style obligations. We further restated the points made in our comments that the Commission’s consideration of revised rules should avoid arbitrary distinctions between fixed and mobile broadband services and holistically examine all parts of

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<sup>1</sup> *Verizon v. FCC*, 740 F.3d 623 (D.C. Cir. 2014), *affirming in part, vacating and remanding in part, Preserving the Open Internet; Broadband Industry Practices*, Report and Order, 25 FCC Rcd 7905 (2010)

<sup>2</sup> *See* Comments of the National Cable & Telecommunications Association, GN Docket No. 14-28 (filed Mar. 26, 2014).

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the broadband ecosystem that potentially implicate the policy interests at stake. We also urged the Commission to reaffirm its longstanding view that Open Internet principles do not justify the extension of regulation to the competitive marketplace of Internet peering or transit arrangements, and to reject proposals seeking to reclassify any component of broadband Internet access under Title II, especially now that the *Verizon* court has clarified the Commission's authority under Section 706.

Please contact the undersigned if you have any questions regarding these issues.

Sincerely,

/s/ Matthew A. Brill

Matthew A. Brill  
*Counsel for the National Cable &  
Telecommunications Association*