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May 14, 2014

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

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

Dear Ms. Dortch:

On May 12, 2014, Rick Chessen of the National Cable & Telecommunications Association (“NCTA”), along with the undersigned and Matthew Murchison, both of Latham & Watkins LLP, met with the following people in connection with the above-referenced proceeding: Nicholas Degani and Daniel Graulich from Commissioner Pai’s office; Amy Bender from Commissioner O’Rielly’s office; Rebekah Goodheart from Commissioner Clyburn’s office; and Daniel Alvarez from Chairman Wheeler’s office together with Matthew DelNero of the Wireline Competition Bureau.

At these meetings, we reiterated 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 urged the Commission 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. We explained, consistent with NCTA’s opening comments and its *ex parte* letter submitted

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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) (calling, among other things, for a balanced examination of the broadband ecosystem that avoids an exclusive focus on wireline ISPs).

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earlier today,<sup>3</sup> that a Title II reclassification theory would be immensely destabilizing and would undermine the ongoing network investment necessary to fuel the “virtuous cycle” of deployment, innovation, and adoption that the Commission has long sought to promote. We also noted that such an approach would be wholly unnecessary to achieve the Commission’s regulatory objectives, and that, as a legal matter, it is far from clear that the Commission could simply abandon its prior classification determinations.

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

Sincerely,

*/s/ Matthew A. Brill*

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

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<sup>3</sup> See *id.* at 20-22; Letter of Rick Chessen, National Cable & Telecommunications Commission, to Marlene H. Dortch, Secretary, Federal Communications Commission, GN Docket No. 14-28 (filed May 14, 2014).