



**CALinnovates**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

September 11, 2014

**Re: Notice of Ex Parte Presentation**

**Re: GN Docket No. 14-28**

Dear Ms. Dortch,

This letter is to advise you, in accordance with the Commission's rules, that on September 9, 2014, myself and Tom Galvin of 463 Communications met with Commissioner Jessica Rosenworcel. We additionally met with David Goldman, Senior Legal Advisor to Commissioner Rosenworcel, and separately, Brendan Carr, Legal Adviser to Commissioner Ajit Pai.

The substance of our presentation was consistent with the comments that CALinnovates filed on September 11, 2014 in FCC General Docket Number 14-28. Specifically, we discussed the legal ramifications of the Commission reclassifying broadband service under Title II of the Communications Act. We further discussed economic evidence and policy supporting CALinnovates belief that reclassification will only reduce future investment in broadband and lead to less innovation in edge services. We additionally discussed steps that the Commission may take to further clarify its "commercially unreasonable" prioritization standard, such as ensuring that the Commission's rules not entrench incumbent edge providers at the expense of fair competition and not require edge

providers to negotiate priority arrangements with ISPs in order to enter a particular market.

/s/ Mike Montgomery

Mike Montgomery

*Executive Director*

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cc: Jessica Rosenworcel, David Goldman, Brendan Carr.