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September 23, 2014

**Via ECFS**

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

**Re: Fiber to the Home Council Americas (FTTH Council) *Ex Parte* Filing on: the Petition of the City of Wilson and Petition of Electric Power Board of Chattanooga, TN, WC Docket Nos. 14-115 and 14-116, respectively; and Protecting and Promoting the Open Internet and The Framework for Broadband Internet Service, GN Docket Nos. 14-28 and 10-127**

Dear Ms. Dortch:

On September 22, 2014, Heather Gold (FTTH Council) and the undersigned, Thomas Cohen (Kelley Drye & Warren LLP), met with Gigi Sohn, Special Counsel for External Affairs to Chairman Wheeler, and two interns from the same office, Regina Black and Steven Jechera. The purpose of the meeting was to discuss the comments filed by the FTTH Council in each of the above-referenced proceedings.<sup>1</sup> In regard to the Petitions of the City of Wilson and the Electric Power Board of Chattanooga, the FTTH Council has asserted the Commission can use its Section 706 authority to preempt state actions that inhibit the reasonable and timely deployment of advanced communications services by municipal utilities already engaged in providing communications services. In regard to the Open Internet proceedings, FTTH Council has asked the Commission to adopt a rebuttable presumption that FTTH network providers, because of their provision of unlimited bandwidth, are not

<sup>1</sup> See Comments of the Fiber to the Home Council Americas in Support of Electric Power Board and City of Wilson Petitions, Pursuant to Section 706 of the Telecommunications Act of 1996, Seeking Preemption of State Laws Restricting the Deployment of Certain Broadband Networks, WC Docket Nos. 14-115, 14-116 (Aug. 29, 2014); Comments of the Fiber to the Home Council Americas on the Notice of Proposed Rulemaking on Protecting and Promoting the Open Internet; The Framework for Broadband Internet Service, GN Docket Nos. 14-28 and 10-127 (July 16, 2014).

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engaged in unreasonably discriminatory practices in their provision of broadband Internet access service. In general, all points raised in the meeting by Ms. Gold and Mr. Cohen were consistent with these positions and supporting statements in the FTTH Council's comments.

Should you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Thomas Cohen".

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Counsel for the FTTH Council

cc: Gigi Sohn  
Regina Black  
Steven Jechera