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Barbara S. Esbin
Admitted in the District of Columbia

July 8, 2010

Via ECFS

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: Notice of Ex Parte: Framework for Broadband Internet Service, Notice of Inquiry, GN Docket No. 10-127.

Dear Ms. Dortch:

On July 8, 2010, Ross Lieberman, the American Cable Association (ACA), and the undersigned, representing ACA, met with Julie Veach, Christopher Killion, Royce Sherlock, Marcus Maher, and David Tannenbaum. ACA represents nearly 900 independent cable operators that serve more than 7.6 million video subscribers, primarily in smaller markets and rural areas; more than half of ACA's members serve fewer than 2,000 subscribers.

In the meeting, we discussed the practical implications of adoption of the proposals put forth in the above referenced Notice of Inquiry ("NOI"). We raised concerns about the regulatory burdens that may be imposed on ACA members should the Commission decide to alter the regulatory classification of wired broadband Internet service by reclassifying the transmission component of the integrated wired broadband Internet service from a Title I "information service" to a stand-alone common carrier "telecommunications service" offering. These burdens include the potential for direct economic regulation of the rates, terms and conditions of the newly recognized telecommunication service under Title II of the Communications Act, and the administrative, accounting and reporting requirements associated with common carrier status under the Commission's rules. We also noted how uncertainty as to the scope of the obligations contemplated by the Commission hinders ACA and its member companies' ability to quantify and assess the full impact of the regulatory burdens associated with the imposition of Title II obligations on their broadband Internet service.

In particular, we discussed legal problems that could result from the lack of assessment of the regulatory burdens associated with reclassification, its impact on small entities, and the lack of consideration of flexible regulatory proposals aimed at minimizing the impact of the reclassification on small entities, as would be required of the Commission by the Regulatory Flexibility Act ("RFA") in the context of a notice-and-comment rulemaking proceeding.

If you have any questions or require further information, please do not hesitate to contact me directly. Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically with the Commission.

Sincerely,

/s/
Barbara S. Esbin

cc (*Via email*): Julie Veach
Christopher Killion
Royce Sherlock
Marcus Maher
David Tannenbaum