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July 21, 2010

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

**Re: Notice of Oral *Ex Parte* Communication
Preserving the Open Internet, GN 09-191
*Broadband Industry Practices, WC Docket No. 07-52***

Dear Ms. Dortch:

We submit this notice in compliance with Section 1.1206(b) of the Commission's rules.

On July 20, 2010, Joel Kelsey, political adviser for Free Press, Derek Turner, research director for Free Press, and I met with Edward Lazarus, Chief of Staff to Chairman Julius Genachowski.

We discussed the Commission's ongoing efforts to come to a consensus around open Internet rules. We expressed concern that the Commission may be considering a nondiscrimination standard that does not adequately protect consumers. We emphasized that the Commission must set a clear, bright-line rule for what constitutes discriminatory conduct prohibited by the rule and that the Commission should set the bar for making a prima facie case low enough such that consumers can bring their complaints to meaningful adjudication at the Commission. We emphasized that even under such a rule, the Commission would have ample discretion to determine whether practices constituted reasonable network management.

We also argued that paid prioritization fundamentally harms consumers, and that if the Commission were contemplating a rule that did not prohibit paid prioritization, such a rule would not adequately preserve the free and open Internet.

We urged the Commission to cabin prioritization and provider-driven quality of service to the universe of managed services.

Consistent with our earlier filings, we emphasized that net neutrality rules must be technologically neutral. For example, imposing a no-blocking rule on wireless carriers while constructing a more meaningful net neutrality framework for wireline networks (as

some have proposed) simply fails to protect consumers in the wireless space. Moreover, a mere no-blocking rule creates enormous potential for anti-competitive, anti-consumer behavior: broadband providers can simply argue that they are delaying, rather than blocking, access to content of a consumer's choice.

Finally, we underscored that any net neutrality regime must be backed up with an enforcement process at the FCC, which process depends on a legally sound foundation for the Commission's broadband policy.

Very truly yours,

_____/s/_____

Aparna Sridhar
Policy Counsel

cc: Edward Lazarus