

---

**From:** Zachary Katz  
**Sent:** Wednesday, June 23, 2010 7:42 PM  
**To:** 'Richard S. Whitt (whitt@google.com)'  
**Subject:** 1-2:30 pm (eastern) tomorrow

Will you or Alan be available?

**Zachary Katz**

---

**From:** Zachary Katz  
**Sent:** Sunday, June 20, 2010 4:00 PM  
**To:** Edward Lazarus; Paul de Sa; Bruce Gottlieb  
**Subject:** Re: Fw:

I don't, but I think i can tie us all together on my iphone if everyone sends me their number

---

**From:** Edward Lazarus  
**To:** Paul de Sa; Zachary Katz; Bruce Gottlieb  
**Sent:** Sun Jun 20 15:33:04 2010  
**Subject:** Re: Fw:

4:30 works for me. Does someone have a bridge # we can use?

---

**From:** Paul de Sa  
**To:** Zachary Katz; Edward Lazarus; Bruce Gottlieb  
**Sent:** Sun Jun 20 14:16:05 2010  
**Subject:** RE: Fw:

potential alternative framing (with fewer caps) for consideration. 430-530 ok for me.  
p

---

**From:** Zachary Katz  
**Sent:** Sun 6/20/2010 10:49 AM  
**To:** Edward Lazarus; Bruce Gottlieb; Paul de Sa  
**Subject:** Fw: Fw:

Looks good; a few suggestions attached. 4:30 would be better for me than 5, but I can make 5 work if needed.  
5:30 also ok for me

---

**From:** Zac Katz [REDACTED] B6  
**To:** Zachary Katz  
**Sent:** Sun Jun 20 10:44:27 2010  
**Subject:** Re: Fw:

On Sun, Jun 20, 2010 at 10:22 AM, Zachary Katz <[Zachary.Katz@fcc.gov](mailto:Zachary.Katz@fcc.gov)> wrote:

----- Original Message -----

From: Edward Lazarus  
To: Zachary Katz; Bruce Gottlieb; Paul de Sa  
Sent: Sun Jun 20 09:26:30 2010  
Subject: Fw:

7/21/2010

Here is a quick stab at a doc to lay on the table. Suggestions welcome.

----- Original Message -----

From: Amanda Moose [REDACTED] 6

To: Edward Lazarus

Sent: Sun Jun 20 09:24:18 2010

Subject:

Zachary Katz

B5

-----Original Message-----

From: Edward Lazarus  
Sent: Sun 6/20/2010 9:26 AM  
To: Zachary Katz; Bruce Gottlieb; Paul de Sa  
Subject: Fw:

Here is a quick stab at a doc to lay on the table. Suggestions welcome.

----- Original Message -----

From: Amanda Moose [redacted]  
To: Edward Lazarus  
Sent: Sun Jun 20 09:24:18 2010  
Subject:

**Zachary Katz**

B5



See the below article for how the Congressional process is being characterized:

7/21/2010

## Closed-door telecom overhaul to begin Friday; invitees remain uncertain

By Sara Jerome - 06/19/10 02:28 PM ET

*\*This story was updated at 5:31 p.m. on June 21 to reflect that staffers will be present but not members.* will debate broadband regulation this Friday at the first in a series of talks on how to overhaul communications law, a feat that has not successfully occurred in 14 years, the leaders of the authorizing committees indicated on Friday.

The key question is who will be at the table as Congress prepares to rewrite a labyrinthian statute that has gone largely untouched since the rise of the Internet.

Set to include an unnamed list of stakeholders, the first meeting will examine the Federal Communications Commission's (FCC) authority to regulate broadband services, a topic that pointedly divides the Republican and Democratic communications leaders.

Still unknown is whether FCC Chairman Julius Genachowski will attend. He has pledged to support congressional efforts to update the law, but his agency has a packed schedule of its own as it attempts not just to implement policy goals but also to clarify its legal authority to do so.

It seems clear that top lobbyists from the major Internet service providers, such as AT&T, Verizon and Comcast, will be invited.

But the list of content and applications companies who feel they have skin in the game is much longer, ranging from Google to Amazon to eBay to Skype, all members of the Open Internet Coalition, which has been vocal on the question of FCC authority. The criteria for inclusion have not been announced.

Subsequent meetings will be scheduled to examine broadband deployment and spectrum policy and will include a different set of stakeholders.

The chairmen of the authorizing committees announced last month that they want to begin rewriting the Communications Act of 1934, which was last overhauled as the Telecommunications Act of 1996 after a lobbying battle that dragged on for years.

But the chairmen enter the negotiations already clashing with Republicans over whether legislation is needed. House Energy and Commerce ranking member Rep. Joe Barton (R-Texas) and House Communications Subcommittee ranking member Rep. Cliff Stearns (R-Fla.) wrote the Democrats last week saying "we do not see any urgency to legislate."

The move to update communications law follows an April appeals court decision that thrust into uncertainty the bounds of the FCC's legal authority to regulate broadband issues, including whether it has the muscle to enforce net neutrality rules.

The relevant chairmen and ranking members diverge on the bounds of FCC power in the aftermath of the decision. They also disagree on whether the agency should move to clarify its authority through a wholly-FCC-based proceeding, as it began to do last week.

The fundamental divide between the parties is the extent to which Internet service providers should be regulated, with Democrats backing net neutrality rules to prevent broadband providers from toying with the Internet content and applications that run over their networks. Republicans say that's overregulation and would stifle investment in broadband networks.

The first talk will include staffers to members including Senate Commerce Chairman John Rockefeller (D-W.V.) and ranking member Sen. Kay Bailey Hutchison (R-Tex.); Senate Communications Subcommittee Chairman John Kerry (D-Mass.) and ranking member Sen. John Ensign (R-Nev.); House Energy and Commerce Chairman Henry Waxman (D-Calif.) and Barton; and House Communications Subcommittee Chairman Rick Boucher (D-Va.) and Stearns.

The talks do not appear to be open to press. A list of participants and statements submitted by attendees will be made available to the public, the lawmakers indicated.

Jen Howard  
Press Secretary  
Federal Communications Commission  
e: jen.howard@fcc.gov  
o: 202-418-0506  
c: 202-391-6381

B5



**Zachary Katz**

---

**From:** Zachary Katz  
**Sent:** Tuesday, June 22, 2010 12:30 PM  
**To:** Jen Howard; Edward Lazarus; Bruce Gottlieb  
**Subject:** RE: Getting a lot of press incoming on "secret talks"

Jen and I just talked about this

---

**From:** Jen Howard  
**Sent:** Tuesday, June 22, 2010 12:23 PM  
**To:** Edward Lazarus; Zachary Katz; Bruce Gottlieb  
**Subject:** Getting a lot of press incoming on "secret talks"

Status of announcement?

Jen Howard  
Press Secretary  
Federal Communications Commission  
e: [jen.howard@fcc.gov](mailto:jen.howard@fcc.gov)  
o: 202-418-0506  
c: 202-391-6381



**H&E**  
HOLCH & ERICKSON LLP

June 22, 2010

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

RE: Notice of Stakeholder Meetings

Dear Ms. Dortch:

Today, Thomas J. Tauke, Executive Vice President Public Affairs, Policy and Communications, Verizon; James W. Cioconi, Senior Executive Vice President External & Legislative Affairs, AT&T Inc.; Kyle E. McSarrow, President & CEO, National Cable & Telecommunications Association; Alan Davidson, Director of Government Relations and Public Policy, Google; Christopher Libertelli, Senior Director of Government and Regulatory Affairs, Skype; and the undersigned met with Edward Lazarus, Chief of Staff, Federal Communications Commission; Paul de Sa, Chief, Office of Strategic Planning and Policy Analysis, Federal Communications Commission; and Zachary Katz, Deputy Chief, Office of Strategic Planning and Policy Analysis, Federal Communications Commission.

We discussed details relating to prospective legislation relating to open Internet principles.

Sincerely,



Markham C. Erickson  
Partner, Holch & Erickson LLP and  
Executive Director, Open Internet Coalition.

Cc: Edward Lazarus  
Paul de Sa  
Zachary Katz



B5

**From:** Markham Erickson [mailto:merickson@holcherickson.com]  
**Sent:** Tuesday, June 22, 2010 1:42 PM  
**To:** Zachary Katz  
**Cc:** Paul de Sa; Edward Lazarus  
**Subject:** Letter Regarding Stakeholders' Meeting.

Zach,

Attached is a letter disclosing participation in yesterday's meeting regarding network neutrality legislation.

Regards,

Markham

Markham C. Erickson  
Holch & Erickson LLP  
400 N. Capitol Street NW  
Suite 585  
Washington DC 20001

Office: +1 202 624 1460

B6

Skype: m.c.erickson  
Email: [merickson@holcherickson.com](mailto:merickson@holcherickson.com)  
Web: [www.holcherickson.com](http://www.holcherickson.com)

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7/21/2010

**H&E**  
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Partner, Holch & Erickson LLP and  
Executive Director, Open Internet Coalition.

Cc: Edward Lazarus  
Paul de Sa  
Zachary Katz

B5



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Markham

Markham C. Erickson  
Holch & Erickson LLP  
100 N. Capitol Street NW  
Suite 585  
Washington DC 20001

Office: +1 202.524.1460

B6

kye: m.c.erickson

7/28/2010

Email: [merickson@holcherickson.com](mailto:merickson@holcherickson.com)

Web: [www.holcherickson.com](http://www.holcherickson.com)

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H&E  
HOLCH & ERICKSON LLP

June 22, 2010

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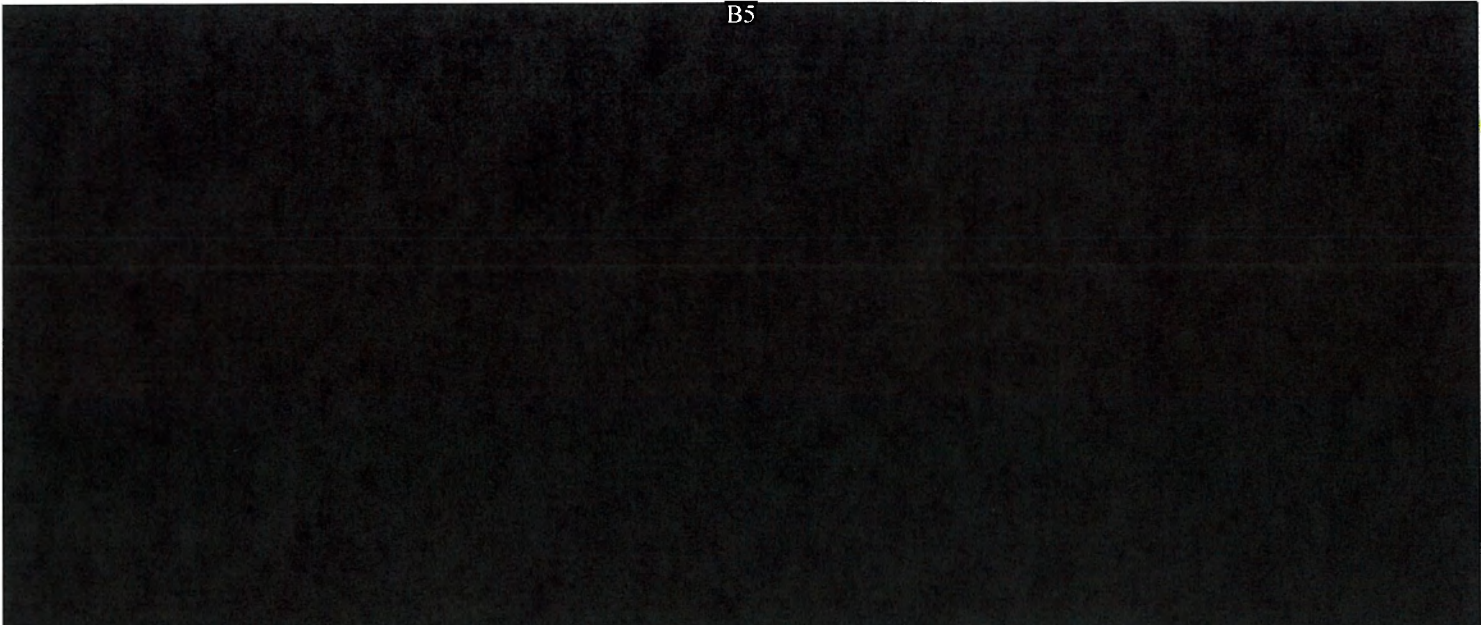
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Sincerely,



Markham C. Erickson  
Partner, Holch & Erickson LLP and  
Executive Director, Open Internet Coalition.

Cc: Edward Lazarus  
Paul de Sa  
Zachary Katz



-----Original Message-----

From: Brett Glass [mailto:brett@lariat.net]  
Sent: Tuesday, June 22, 2010 5:03 PM  
To: Priya Aiyar  
Subject: RE: Internet regulation and legislation  
Importance: High

Priya:

The blog posting which you mentioned says,

"To the extent stakeholders discuss proposals with Commission staff regarding other approaches outside of the open proceedings at the Commission, the agency's ex parte disclosure requirements are not applicable."

The Commission's NOI, at

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-10-114A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-114A1.pdf)

mentions Congress, congressional intent, and the prospect of legislation numerous times. Therefore, any discussion of these matters can and should be fully documented in the public record.

I would also like to find out how my company -- which is representative of the country's more than 4,000 small and competitive ISPs -- may participate in the meetings. It is noteworthy that Skype, which is a small, entrepreneurial company like ourselves, has been allowed to participate; we therefore believe that we should as well.

Please contact me and let me know how we can avoid being shut out of a process which is likely to have a dramatic impact on us, our colleagues, and our customers.

Regards,

Brett Glass, Owner and Founder  
LARIAT  
PO Box 383  
Laramie, WY 82073-0383

B6

At 02:35 PM 6/22/2010, Priya Aiyar wrote:

>Brett:



>  
>Thanks for your email. This is the blog post I mentioned:  
><http://blog.broadband.gov/?entryId=518087>  
>  
>Best,  
>Priya

-----Original message-----

From: Brett Glass [mailto:brett@lariat.net]  
Sent: Tuesday, June 22, 2010 5:03 PM  
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Importance: High

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Brett Glass, Owner and Founder  
LARIAT  
PO Box 383  
Laramie, WY 82073-0383

B6

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>Brett:

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><http://blog.broadband.gov/?entryId=518087>

>

>Best,

>Priya

---

**From:** Zachary Katz  
**Sent:** Tuesday, June 22, 2010 5:51 PM  
**To:** 'Brett Glass'  
**Subject:** RE: Internet regulation and legislation

Brett,

I just left you a voicemail. I'm happy to talk when you have a minute,

Zac

202.418.7569

-----Original Message-----

**From:** Brett Glass [mailto:brett@lariat.net]  
**Sent:** Monday, June 21, 2010 7:33 PM  
**To:** Zachary Katz  
**Subject:** Internet regulation and legislation

Zac:

According to an article at

[http://online.wsj.com/article/SB10001424052748704256304575321273903045994.html?mod=WSJ\\_Tech\\_LEFTTopNews](http://online.wsj.com/article/SB10001424052748704256304575321273903045994.html?mod=WSJ_Tech_LEFTTopNews)

the FCC is conducting talks with interested parties concerning possible legislative and regulatory options. It is important that small, rural, and independent ISPs be included in these talks, lest the resulting regulation or legislation give the large incumbents advantages over us (in addition to ones they already enjoy) or even make it impossible for smaller operators to continue in business.

Yet, none of my colleagues seem to have been invited to the meetings. What's more, contrary to Commission rules, no ex parte memo has been filed in either docket number 09-191 or docket number 10-127 regarding the meetings, so I cannot even tell what went on behind closed doors at the meetings on which the WSJ reported.

How can I and my colleagues become involved in the discussion? As key implementors of the goals in the FCC's recently released National Broadband Plan, we certainly should have a seat at the table.

--Brett Glass, LARIAT

B6

---

**From:** Zachary Katz  
**Sent:** Tuesday, June 22, 2010 9:01 PM  
**To:** 'richard@bennett.com'  
**Subject:** Re: Meetings with stakeholders

Correct; happy to talk tomorrow if you'd like.

B6

z

---

**From:** Richard Bennett <richard@bennett.com>  
**To:** Zachary Katz  
**Sent:** Tue Jun 22 20:21:48 2010  
**Subject:** Meetings with stakeholders

Hi Zach -

I'm writing a blog post on the process of developing the new framework for broadband Internet regulation, and noticed that you and Paul met with the interested parties on Monday. Can you confirm for me that the meeting was a preliminary discussion that stopped short of making back room deals that are going to cripple American democracy for generations to come? Some of the crocodile tears from excluded elements suggest as much.

Thanks,

RB

--  
Richard Bennett  
Research Fellow  
Information Technology and Innovation Foundation  
Washington, DC

7/28/2010

-----Original Message-----

From: Brett Glass [mailto:brett@lariat.net]  
Sent: Wednesday, June 23, 2010 11:07 AM  
To: Edward Lazarus  
Subject: Closed door meetings  
Importance: High

"Nothing is more critical to assuring the integrity of our proceedings than the way we document ex parte communications. Over thirty years ago, the D.C. Circuit's Home Box Office decision struck down Commission cable rules in part because hundreds of undocumented ex parte contacts had occurred. While noting that it was not illegal for the Commission to entertain ex parte contacts, the Court instructed that the records of Commission proceedings must reveal all the information made available ex parte so that it can be understood and debated. Home Box Office v. FCC, 567 F.2d 9, 118 (1977).

"Given the complexity and importance of the issues that come before us, ex parte communications remain an essential part of our deliberative process. It is essential that industry and public stakeholders know the facts and arguments presented to us in order to express informed views."

Statement of FCC Chairman Julius Genachowski, February 22, 2010, FCC 10-31A2 (available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-10-31A2.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-31A2.pdf))

---

**From:** Zachary Katz  
**Sent:** Wednesday, June 23, 2010 2:24 PM  
**To:** 'whitt@google.com'  
**Subject:** Re: We lost you

Just tried you again but got voicemail; any number we can reach you on?

---

**From:** Rick Whitt <whitt@google.com>  
**To:** Zachary Katz  
**Sent:** Wed Jun 23 14:09:23 2010  
**Subject:** Re: We lost you

Sorry, I went into a deadzone and am trying to get back into cell coverage. Is there a phone number I can try calling you?

On Wed, Jun 23, 2010 at 1:56 PM, Zachary Katz <[Zachary.Katz@fcc.gov](mailto:Zachary.Katz@fcc.gov)> wrote:  
| Let me know if/when we can call you back

--  
Richard S. Whitt  
Washington Telecom and Media Counsel  
Google Inc.  
1101 New York Avenue, NW  
Second Floor  
Washington, D.C. 20005

202.346.1236 (Direct)  
650.450.1705 (Mobile)  
650.618.1806 (Fax)  
[whitt@google.com](mailto:whitt@google.com)

---

**From:** Zachary Katz  
**Sent:** Wednesday, June 23, 2010 2:15 PM  
**To:** 'whitt@google.com'  
**Subject:** Re: We lost you

Also happy to try dialing you again; just let me know

---

**From:** Rick Whitt <whitt@google.com>  
**To:** Zachary Katz  
**Sent:** Wed Jun 23 14:14:20 2010  
**Subject:** Re: We lost you

OK, I'll keep trying to reconnect.

On Wed, Jun 23, 2010 at 2:12 PM, Zachary Katz <[Zachary.Katz@fcc.gov](mailto:Zachary.Katz@fcc.gov)> wrote:  
202.401.0863

---

**From:** Rick Whitt <[whitt@google.com](mailto:whitt@google.com)>  
**To:** Zachary Katz  
**Sent:** Wed Jun 23 14:09:23 2010  
**Subject:** Re: We lost you

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Richard S. Whitt  
Washington Telecom and Media Counsel  
Google Inc.  
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7/28/2010



Second Floor  
Washington, D.C. 20005

202.346.1236 (Direct)  
650.450.1705 (Mobile)  
650.618.1806 (Fax)  
[whitt@google.com](mailto:whitt@google.com)

---

**From:** Zachary Katz  
**Sent:** Wednesday, June 23, 2010 2:12 PM  
**To:** 'whitt@google.com'  
**Subject:** Re: We lost you

202] B6

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**To:** Zachary Katz  
**Sent:** Wed Jun 23 14:09:23 2010  
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Washington Telecom and Media Counsel  
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Washington, D.C. 20005

202.346.1236 (Direct)  
550.450.1705 (Mobile)  
550.618.1806 (Fax)  
[whitt@google.com](mailto:whitt@google.com)

---

**From:** Zachary Katz  
**Sent:** Wednesday, June 23, 2010 1:57 PM  
**To:** 'whitt@google.com'  
**Subject:** We lost you

Let me know if/when we can call you back

---

**From:** Zachary Katz  
**Sent:** Wednesday, June 23, 2010 7:42 PM  
**To:** 'Richard S. Whitt (whitt@google.com)'  
**Subject:** 1-2:30 pm (eastern) tomorrow

Will you or Alan be available?

7/28/2010

---

**From:** Kelsey, Joel [KELSJO@consumer.org]  
**Sent:** Thursday, July 08, 2010 10:08 AM  
**To:** Edward Lazarus; Bruce Gottlieb; Rick Kapan; Paul de Sa  
**Subject:** FW: [OIC] Economist Net Neutrality Letter  
**Attachments:** Economist Net Neutrality Letter.pdf

FYI –

We work closely with this team of economists at NYU Law. The Institute for Policy Integrity is a new clinic, and they've been a great resource to the public interest community working on technology and media policy.

JK

---

**From:** Chettiar, Inimai [mailto:chettiar@exchange.law.nyu.edu]  
**Sent:** Wednesday, July 07, 2010 6:08 PM  
**To:** Kelsey, Joel  
**Cc:** Holladay, James  
**Subject:** [OIC] Economist Net Neutrality Letter


Hi All,

Our team of economists just sent out this letter today to the FCC.

Thanks!

Inimai

*Inimai M. Chettiar*  
*Legal Fellow*  
*Institute for Policy Integrity*  
*New York University School of Law*  
*139 MacDougal Street, Suite 315*  
*New York, NY 10012*  
*(212) 992-8932 (p)*  
*(212) 995-4592 (f)*  
[inimai.chettiar@nyu.edu](mailto:inimai.chettiar@nyu.edu)  
[www.policyintegrity.org](http://www.policyintegrity.org)

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\*\*\*

Scanned

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8/18/2010

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To unsubscribe from this list, please  
email admin@openinternetcoalition.com.

July 7, 2010

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
455 12<sup>th</sup> Street, SW  
Washington D.C. 20554

Dear Chairman Genachowski:

On May 24<sup>th</sup> you received a letter signed by 74 members of the House of Representatives asking the Federal Communications Commission to refrain from moving forward with network neutrality regulations. The analysis in that letter is based on a misunderstanding of the current state of the Internet and does not accurately reflect the economic impacts of network neutrality. As economists who have researched the impact of network neutrality regulations on the Internet, the economy, and society as a whole, we ask that you consider moving forward with network neutrality regulations.

The letter submitted by the Representatives (as well as much of the analysis on both sides of the debate) does not recognize that the Internet currently operates under a *de facto* network neutrality regime. Most internet service providers do not currently engage in prioritization or price discrimination tactics that would be restricted under the proposed rules. The question therefore is not whether to impose network neutrality on the Internet; but rather it is whether to eliminate it. Ending net neutrality would represent a fundamental change in the way the Internet works. The consequences of such a change are impossible to predict with certainty. The Internet creates a tremendous amount of value for content developers, end-users, Internet Service Providers, businesses, and the workforce.

That letter also does not recognize that the Internet is characterized by market imperfections that network neutrality regulations may help correct. Economists generally agree that markets function best when they are left alone, but the Internet market exhibits failures which justify government intervention. These imperfections include a network effect: additional connections to the network make the Internet more valuable to all end-users and content providers on the network, thereby encouraging more end-users and content providers to join the network. Eliminating network neutrality would make it more expensive for content providers to reach end-users, driving some off the network. Because of network effects the exit of content providers may reduce the value of the Internet for all parties. Connections to the network allow users to join the network as consumers, but also to take advantage of productive activities such as investment, entrepreneurship and innovation, blurring the distinction between end-users and content providers.

The Internet also suffers from information externalities—positive spillovers that result from the provision of information. The Internet produces billions of dollars of free value for the American public: Information is shared, reused, and reconfigured without fees or penalties. Websites are not compensated when their content is repurposed or passed on—that means fewer subscriptions to paid services, fewer direct page views, and a loss of advertising dollars. If all the individuals who absorbed information were required to pay the content providers, content providers would generate more revenue.

Without network neutrality regulations, Internet Service Providers would be allowed to engage in pricing practices that transfer wealth from content providers to Internet Service Providers. Shifting wealth away from an already under-compensated group may worsen this market failure, disincentivize content provision, and make providing an economically efficient level of information on the Internet even more difficult.

The letter from the Representatives does not recognize that “the Internet” is not just Internet infrastructure, but also includes Internet content. The network neutrality debate is fundamentally about how to divide the value generated by the Internet. The Internet is properly defined as both as the physical infrastructure as well as the content and information moving along that infrastructure. Infrastructure without content is useless, as is content without infrastructure.

Eliminating network neutrality would shift wealth from content developers to Internet Service Providers and risks shrinking the pie for everyone. Internet infrastructure and Internet content are complementary goods, and both must be increased in tandem to maximize the value of the Internet. While it is possible that eliminating network neutrality would increase investment in Internet infrastructure, it would do so at a high price. Elimination may also decrease investment in Internet content, which is already suffering from underinvestment, and may decrease the wealth generated by Internet content. In addition, allowing for tariff-based prioritization schemes create incentives for Internet Service Providers to artificially generate scarcity in capacity in order to support a higher tariff for prioritization. Hence, there is a good chance that investment in Internet infrastructure would be reduced following an elimination of network neutrality.

The Internet is a crucial tool for America’s business and workers. The FCC should promulgate regulations designed to maximize the value of the Internet to Americans and maintain the incredibly robust, productive and participatory environment that thrives on a nondiscriminatory Internet.

Sincerely,

Subhajyoti Bandyopadhyay  
Associate Professor  
Information Systems and Operations Management  
Warrington College of Business Administration  
University of Florida

J. Scott Holladay  
Economics Fellow  
Institute for Policy Integrity,  
New York University School of Law

Dr. Hsing K. (Kenny) Cheng  
American Economics Institutions Fellow  
Associate Professor  
Warrington College of Business Administration  
Department of Information Systems and Operations Management  
University of Florida

Joacim Tåg  
Research Fellow  
Research Institute of Industrial  
Economics (IFN)



---

**From:** Zachary Katz  
**Sent:** Thursday, July 15, 2010 2:47 PM  
**To:** Edward Lazarus; Bruce Gottlieb; Paul de Sa  
**Subject:** FW: CCIA supports Third Way

fyi

---

**From:** David Tannenbaum  
**Sent:** Thursday, July 15, 2010 2:35 PM  
**To:** Jen Howard; Zachary Katz; Austin Schlick; Christopher Killion  
**Subject:** CCIA supports Third Way

Nice filing from a group with a lot of big industry players:

<http://fjallfoss.fcc.gov/ecfs/document/view?id=7020539839>

Membership:

<http://www.cciagnet.org/index.asp?bid=11>

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B5



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**From:** Edward Lazarus  
**Sent:** Thursday, July 29, 2010 10:34 AM  
**To:** Doug Sicker; Paul de Sa; Zachary Katz; Bruce Gottlieb; Stuart Benjamin  
**Subject:** RE: today

ok

---

**From:** Doug Sicker  
**Sent:** Thursday, July 29, 2010 10:25 AM  
**To:** Paul de Sa; Edward Lazarus; Zachary Katz; Bruce Gottlieb; Stuart Benjamin  
**Subject:** Re: today

I can as well.

---

**From:** Paul de Sa  
**To:** Edward Lazarus; Zachary Katz; Bruce Gottlieb; Stuart Benjamin; Doug Sicker  
**Sent:** Thu Jul 29 10:24:22 2010  
**Subject:** Re: today

I cld do 11-1130  
P

---

**From:** Edward Lazarus  
**To:** Zachary Katz; Paul de Sa; Bruce Gottlieb; Stuart Benjamin; Doug Sicker  
**Sent:** Thu Jul 29 10:21:37 2010  
**Subject:** today

Need to find time this morning to really go over the document and to draft some wireless language. 11 or 11:30?

8/18/2010

## Edward Lazarus

---

**From:** CICCONI, JAMES W (ATTSI) [jc3486@att.com]  
**Sent:** Friday, June 25, 2010 9:23 AM  
**To:** Edward Lazarus  
**Subject:** RE: FYI - Reuters story

Gosh, Eddie, I wasn't inferring that, sorry. I didn't think it came from your folks either.

I'm assuming Markham has to brief his members (understandably), and am betting that's the source. It may just be a situation we have to deal with. I'm not pointing fingers, only declaring innocence!

I do feel I need to brief both Largent and Walter since no one has yet done so, but I feel I can do that in confidence.

Pls think about my second point. I'd like to call you to discuss. Just trying to find a way...

Jim

-----Original Message-----

**From:** Edward Lazarus [mailto:Edward.Lazarus@fcc.gov]  
**Sent:** Friday, June 25, 2010 8:28 AM  
**To:** CICCONI, JAMES W (ATTSI)  
**Subject:** RE: FYI - Reuters story

This undermines trust. I give you my word that I have not talked to him or any other journalist on this and I would be shocked if any of my team did.

-----Original Message-----

**From:** CICCONI, JAMES W (ATTSI) [mailto:jc3486@att.com]  
**Sent:** Thursday, June 24, 2010 8:52 PM  
**To:** Edward Lazarus  
**Subject:** Fw: FYI - Reuters story

Eddie,  
Well, all I can say is this didn't come from our side (obviously).

Other point re blocking-- more a problem if re downloads, but maybe not if it's re blocking access to websites. A legislative path perhaps?

Jim

----- Original Message -----

**From:** BALMORIS, MICHAEL F (ATTSI)  
**To:** CICCONI, JAMES W (ATTSI); QUINN JR., ROBERT W (ATTSI); HANK HULTQUIST (SBCSI) <HH8358@momail.sbc.com>; JONES, CLAUDIA B (ATTSI); BOLES, MARGARET L (ATTSI)  
**Sent:** Thu Jun 24 19:33:12 2010  
**Subject:** FYI - Reuters story

John poirer of Reuters called and he's writing on FCC meetings, saying Vz and AT&T turned down a deal that wld allow prioritization but not allow blocking for wireless. I declined comment. Dave fish of Vz got same call and he's declining comment as well.

Sent from my iPhone

**Edward Lazarus**

---

**From:** Kelsey, Joel [KELSJO@consumer.org]  
**Sent:** Tuesday, July 06, 2010 5:42 PM  
**To:** Edward Lazarus; Tjuana Price  
**Subject:** Re: Friday Mtg

That's perfect. Thanks, see you then!

JK

Sent via BlackBerry

---

**From:** Edward Lazarus <Edward.Lazarus@fcc.gov>  
**To:** Kelsey, Joel; Tjuana Price <Tjuana.Price@fcc.gov>  
**Sent:** Tue Jul 06 17:39:56 2010  
**Subject:** RE: Friday Mtg

11 am

---

**From:** Kelsey, Joel [mailto:KELSJO@consumer.org]  
**Sent:** Tuesday, July 06, 2010 5:22 PM  
**To:** Tjuana Price  
**Cc:** Edward Lazarus  
**Subject:** Friday Mtg

Hi Tjuana –

Hope you had a great weekend.

In our meeting this afternoon, we made plans to meet again sometime this Friday. I write to try to drill down on a time.

Would sometime before 2pm work?

JK

---

Joel Kelsey

Policy Analyst

**Consumers Union®**

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202.462.6262 (office)

646.401.1030 (cell)

[www.hearusnow.org](http://www.hearusnow.org)

[www.consumersunion.org](http://www.consumersunion.org)

8/17/2010

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## Edward Lazarus

---

**From:** Garfield, Dean [dean@itic.org]  
**Sent:** Friday, June 18, 2010 7:27 PM  
**To:** Edward Lazarus; Bruce Gottlieb  
**Subject:** Re: Update?

Crazy few days. I did not have a chance to circle back. Is there a time on Monday/Tuesday that works for a brief call?

Hope you both have a great weekend.

Dean

---

Dean C. Garfield  
President & CEO  
Information Technology Industry Council (ITI)  
202-626-5757 (Direct)  
www.itic.org

Join the dialogue, follow ITI @ [http://twitter.com/iti\\_techtweets](http://twitter.com/iti_techtweets)

On 6/16/10 6:49 PM, "Edward Lazarus" <Edward.Lazarus@fcc.gov> wrote:

> Dean, let's talk Friday. e

>

> -----Original Message-----

> From: Garfield, Dean [mailto:dean@itic.org]

> Sent: Wednesday, June 16, 2010 4:08 PM

> To: Bruce Gottlieb; Edward Lazarus

> Subject: Update?

>

> Gentlemen, I hope you are both well. Is it possible that I could get  
> an update on the current state of play on the industry best practices  
> discussions. I have been briefed by various players, including some  
> who will be in the room tomorrow. Rather than rely on others I would  
> prefer to get another quick and current update from either of you.  
> Our folks/companies have a keen interest in the topic that parallels  
> in some respects but is distinct from the bells. Thanks,

>

> Dean

> ---

> Dean C. Garfield

> President & CEO

> Information Technology Industry Council (ITI)

> 202-626-5757 (Direct)

> www.itic.org

>

> Join the dialogue, follow ITI @ [http://twitter.com/iti\\_techtweets](http://twitter.com/iti_techtweets)

>

>

**Edward Lazarus**

---

**From:** Gigi Sohn [gbsohn@publicknowledge.org]  
**Sent:** Sunday, June 20, 2010 10:22 AM  
**To:** Edward Lazarus  
**Subject:** Re: Can you talk now?

B6



is cell



is home,




where I'll be after 5.

Sent from my Verizon Wireless BlackBerry

---

**From:** "Edward Lazarus" <Edward.Lazarus@fcc.gov>  
**Date:** Sun, 20 Jun 2010 08:43:52 -0400  
**To:** <gbsohn@publicknowledge.org>  
**Subject:** Re: Can you talk now?

Try  And yours if we miss each other then?

---

**From:** Gigi Sohn <gbsohn@publicknowledge.org>  
**To:** Edward Lazarus  
**Sent:** Sun Jun 20 07:14:49 2010  
**Subject:** Re: Can you talk now?

I need your phone #. I'll call somewhere between 2-3.

Sent from my Verizon Wireless BlackBerry

---

**From:** "Edward Lazarus" <Edward.Lazarus@fcc.gov>  
**Date:** Sat, 19 Jun 2010 14:59:36 -0400  
**To:** <gbsohn@publicknowledge.org>  
**Subject:** Re: Can you talk now?

Gigi, I'm sorry we missed each other. Give me a ring after you return from ny if you can.

---

**From:** Gigi B. Sohn <gbsohn@publicknowledge.org>  
**To:** Edward Lazarus  
**Sent:** Fri Jun 18 15:08:51 2010  
**Subject:** Can you talk now?

I'm free until 3:30.

**Gigi B. Sohn**  
President  
Public Knowledge  
[www.publicknowledge.org](http://www.publicknowledge.org)

## Edward Lazarus

---

**From:** Kyle McSllarrow [kmc@NCTA.com]  
**Sent:** Sunday, June 20, 2010 11:23 AM  
**To:** Edward Lazarus; thomas.j.tauke@verizon.com; jc3486@att.com  
**Subject:** RE: Still more scheduling

To all of us. #@!\*\*\*

---

**From:** Edward Lazarus [mailto:Edward.Lazarus@fcc.gov]  
**Sent:** Sunday, June 20, 2010 11:23 AM  
**To:** thomas.j.tauke@verizon.com; jc3486@att.com; Kyle McSllarrow  
**Subject:** Re: Still more scheduling

Terrific. Happy Father's Day.

---

**From:** Tauke, Thomas J (Tom) <thomas.j.tauke@verizon.com>  
**To:** Edward Lazarus; CICCONI, JAMES W (ATTSI) <jc3486@att.com>; kmc@ncta.com <kmc@ncta.com>  
**Sent:** Sun Jun 20 11:09:50 2010  
**Subject:** RE: Still more scheduling

E -

I will be joining you at the 8 a.m. session tomorrow.

Tom

---

**From:** Edward Lazarus [mailto:Edward.Lazarus@fcc.gov]  
**Sent:** Friday, June 18, 2010 2:12 PM  
**To:** CICCONI, JAMES W (ATTSI); kmc@ncta.com; Tauke, Thomas J (Tom)  
**Subject:** Still more scheduling

This is insanely hard. So, for Monday, if possible I'd like to go from 8 am to 10 am. Jim, I recall you having an 11 am call. I expect to also have sessions Tues am and late afternoon. Happy to explain the issues to any who want more detail. E



**Edward Lazarus**

---

**From:** Gigi B. Sohn [gbsohn@publicknowledge.org]  
**Sent:** Tuesday, June 22, 2010 5:33 PM  
**To:** Edward Lazarus  
**Subject:** Re: Please call me

yes.

On Jun 22, 2010, at 5:29 PM, Edward Lazarus wrote:

Tied up for a bit. Can we talk right after your call?

---

**From:** Gigi B. Sohn [mailto:gbsohn@publicknowledge.org]  
**Sent:** Tuesday, June 22, 2010 4:58 PM  
**To:** Edward Lazarus  
**Subject:** Please call me

I'm getting on a call at 6. G

**Gigi B. Sohn**  
President  
Public Knowledge  
[www.publicknowledge.org](http://www.publicknowledge.org)

*Please note our new address and phone #*  
1818 N Street, NW, Suite 410  
Washington, DC 20036  
202-861-0020 x102

**Gigi B. Sohn**  
President  
Public Knowledge  
[www.publicknowledge.org](http://www.publicknowledge.org)

*Please note our new address and phone #*  
1818 N Street, NW, Suite 410  
Washington, DC 20036

8/17/2010

202-861-0020 x102

**Edward Lazarus**

---

**From:** Hilary Rosen [HRosen@brunswickgroup.com]  
**Sent:** Tuesday, June 22, 2010 6:36 PM  
**To:** Edward Lazarus  
**Subject:** Re: Dean Garfield and Information Technology Association

Okeedokey. Thx

Hilary Rosen  
Managing Partner  
Brunswick Group LLC  
Washington, DC

Ph: (202)393-7337  
Mobile: (202)320-2711

---

**From:** Edward Lazarus <Edward.Lazarus@fcc.gov>  
**To:** Hilary Rosen  
**Sent:** Tue Jun 22 18:33:47 2010  
**Subject:** RE: Dean Garfield and Information Technology Association

Feel free to call me. Maybe tonight at home if that's ok.

---

**From:** Hilary Rosen [mailto:HRosen@brunswickgroup.com]  
**Sent:** Tuesday, June 22, 2010 6:15 PM  
**To:** Edward Lazarus  
**Subject:** Dean Garfield and Information Technology Association

First, how are you?

I saw Amanda the other day when you were out of town.

Re: Dean. Can he be invited to the stakeholder meetings? Apparently there are no major tech companies in his assn who are at the table - no Microsoft, Intel, Cisco, etc - big interests here.

Should I call you?

Thanks,  
Hilary

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8/17/2010

## Edward Lazarus

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**From:** Markham C. Erickson [merickson@holcherickson.com]  
**Sent:** Tuesday, June 22, 2010 6:39 PM  
**To:** Edward Lazarus  
**Subject:** Call

I don't have your direct dial; do you have time to chat before tomorrow's meeting.

---

**Markham C. Erickson**  
B6 (desk)  
(mobile)

## Edward Lazarus

---

**From:** Jeff Campbell (jeffrcam) [jeffrcam@cisco.com]  
**Sent:** Tuesday, June 22, 2010 6:40 PM  
**To:** Edward Lazarus  
**Subject:** Meeting tomorrow

Thanks for the discussion today. I can do 4pm tomorrow so I will see you then.

## Edward Lazarus

---

**From:** Brett Glass [brett@lariat.net]  
**Sent:** Wednesday, June 23, 2010 11:07 AM  
**To:** Edward Lazarus  
**Subject:** Closed door meetings

**Importance:** High

"Nothing is more critical to assuring the integrity of our proceedings than the way we document ex parte communications. Over thirty years ago, the D.C. Circuit's Home Box Office decision struck down Commission cable rules in part because hundreds of undocumented ex parte contacts had occurred. While noting that it was not illegal for the Commission to entertain ex parte contacts, the Court instructed that the records of Commission proceedings must reveal all the information made available ex parte so that it can be understood and debated. Home Box Office v. FCC, 567 F.2d 9, 118 (1977).

"Given the complexity and importance of the issues that come before us, ex parte communications remain an essential part of our deliberative process. It is essential that industry and public stakeholders know the facts and arguments presented to us in order to express informed views."

Statement of FCC Chairman Julius Genachowski, February 22, 2010, FCC 10-31A2 (available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-10-31A2.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-31A2.pdf))

## Edward Lazarus

---

**From:** Brett Glass [brett@lariat.net]  
**Sent:** Thursday, June 24, 2010 10:19 PM  
**To:** Edward Lazarus; Paul de Sa  
**Subject:** Discussions of Internet regulation

All:

According to news sources, your ex parte meetings with Google and certain telecomm companies --- which involve subjects covered by FCC GN Dockets 09-191 and 10-127 -- are continuing without input from small or competitive providers and without disclosure of what points have been made at those meetings. Due to the lack of disclosure, it is impossible for me or any of my colleagues to respond adequately to the presentations or comments made there -- a fundamental violation of the principles expressed in the court's order in HBO v. FCC. How can I and my colleagues be represented at these meetings, or obtain adequate disclosure of the views expressed by each party to the discussion, so that we can respond to what is said (as is our legal right)?

--Brett Glass, LARIAT

B6