



Federal Communications Commission
Washington, D.C. 20554

April 14, 2009

VIA ELECTRONIC MAIL
AND FIRST CLASS MAIL

Kathryn A. Zachem
Vice President, Regulatory
and State Legislative Affairs
Comcast Corporation
2001 Pennsylvania Ave. NW, Suite 500
Washington, D.C. 20006

Re: In the Matters of Formal Complaint of Free Press and Public Knowledge Against Comcast Corporation for Secretly Degrading Peer-to-Peer Applications; Broadband Industry Practices: Petition of Free Press *et al.* for Declaratory Ruling that Degrading an Internet Application Violates the FCC's Internet Policy Statement and Does Not Meet an Exception for "Reasonable Network Management," File No. EB-08-1H-1518, WC Docket No. 07-52.

Dear Ms. Zachem:

We have received your response¹ to the January 18, 2009 letter seeking clarification of Comcast's network management practices.² We recognize that these are complicated subjects, and appreciate the additional information you provided.

As you stated, certain of the topics addressed in the January 18 Letter remain the subjects of pending proceedings at the Commission. The statutory classification of Voice over Internet Protocol services (VoIP), with limited exceptions, remains an open question,³ and the intercarrier

¹ Letter from Kathryn A. Zachem, Vice President, Regulatory and State Legislative Affairs, Comcast Corp., to Dana R. Shaffer, Chief, Wireline Competition Bureau, and Matthew Berry, General Counsel, FCC, WC Docket No. 07-52, File No. EB-08-IH-1518 (Jan. 30, 2009) (Comcast January 30 Response).

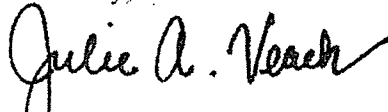
² Letter from Dana R. Shaffer, Chief, Wireline Competition Bureau and Matthew Berry, General Counsel, FCC, to Kathryn A. Zachem, Vice President, Regulatory Affairs, Comcast Corporation, File No. EB-08-IH-1518, WC Docket No. 07-52 (Jan. 18, 2009) (January 18 Letter).

³ See, e.g., *IP Enabled Services*, WC Docket No. 04-36, Notice of Proposed Rulemaking, 19 FCC Rcd 4863, 4886, para. 35 (2004) (seeking comment on what regulatory scheme the Commission should apply to IP-enabled services) (*IP-Enabled Services NPRM*); *Petition for Declaratory Ruling that pulver.com's Free World Dialup is Neither Telecommunications Nor a Telecommunications Service*, WC Docket No. 03-45, Memorandum Opinion and Order, 19 FCC Rcd 3307, 3311, para. 8 (2004) (declaring pulver.com's Free World Dialup VoIP offering to be an information service); *Petition for Declaratory Ruling that AT&T's Phone-to-Phone IP Telephony Services are Exempt from Access Charges*, WC Docket No. 02-361, Order, 19 FCC Rcd 7457, 7466-67, para. 15 (2004) (holding that access charges apply to AT&T's IP-in-the-middle telephony, given that "[e]nd users place calls using the same method" as they would otherwise, that the service provides no "enhanced functionality," and that the service "imposes the same burdens on the local exchange as do circuit-switched interexchange calls").


compensation issues with regard to many kinds of VoIP likewise are under active consideration.⁴ Thus, we are placing a copy of the January 18 Letter, the Comcast January 30 Response, and this letter in the dockets of these proceedings so that the Commission can take your views into consideration there as it grapples with these complex and important open questions regarding the treatment of VoIP services.

We look forward to working with you in the future on these important matters, and will contact you if additional information is needed.

Sincerely,



Julie A. Veach
Acting Chief, Wireline Competition Bureau



Michele Ellison
Acting General Counsel

⁴ See, e.g., *High Cost Universal Service Reform*; *Federal-State Joint Board on Universal Service*; *Lifeline and Link Up*; *Universal Service Contribution Methodology*; *Numbering Resource Optimization*; *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*; *Developing a Unified Intercarrier Compensation Regime*; *Intercarrier Compensation for ISP-Bound Traffic*; *IP-Enabled Services*, CC Docket Nos. 96-45, 99-200, 96-98, 01-92, 99-68, WC Docket Nos. 05-337, 03-109, 06-122, 04-36, Order on Remand and Report and Order and Further Notice of Proposed Rulemaking, FCC 08-262, para. 40 & Appendix A, paras. 208-11, Appendix C, paras. 203-06 (rel. Nov. 5, 2008) (seeking comment on several intercarrier compensation reform proposals, including proposals that would address the regulatory classification of calls exchanged between IP-based and circuit-switched networks); see also *IP-Enabled Services NPRM*, 19 FCC Rcd at 4904-05, paras. 61-62 (seeking comment on the appropriate intercarrier compensation for IP-enabled services).