

National Hispanic Media Coalition

Submitted via Hand-Delivery for Electronic Filing

December 1, 2017

ACCEPTED/FILED

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

DEC - 1 2017

Federal Communications Commission
Office of the Secretary

Re: *Ex Parte* presentation pursuant to 47 C.F.R. § 1.1206(b) in WC Docket No. 17-108

Dear Ms. Dortch:

The National Hispanic Media Coalition (NHMC) submits this letter and hand-delivered USB flash drive to address AT&T's opposition¹ to NHMC's Joint Motion filed on September 18, 2017 asking the Federal Communications Commission (FCC) to (1) incorporate all informal consumer complaints and other related open Internet documents into the above-referenced proceeding; and (2) set a new comment cycle providing the public adequate time to review and comment on the new evidence.²

In our review of the documents, NHMC discovered that the FCC did not produce a large portion of the documents requested through our Freedom of Information Act (FOIA) requests.³ Nevertheless, NHMC commissioned an analysis of documents released to date, finding not only that consumer complaints are relevant in the above-referenced proceeding, but also finding that consumers and carriers perceive that broadband Internet access service is a telecommunications service.⁴

The FCC provided NHMC with data in various Excel spreadsheets for 6,876 consumer complaints against AT&T, and text for 6,868 of those complaints. AT&T notes that "NHMC has been free to file any of those complaints into this docket along with an explanation of why they are relevant, and indeed it remains free to do that today under the FCC's liberal *ex parte* rules."⁵ NHMC is still missing the significant portion of the carrier responses and is unable to determine how these complaints were resolved. However, AT&T was required to draft carrier responses to these complaints and is therefore in the best position to explain how the 6,876 complaints involving AT&T were resolved.

¹ See Letter from Henry Hultquist, Vice President Regulatory Affairs, AT&T to Marlene Dortch, Secretary, FCC, WC Docket No. 17-108 (Sept. 27, 2017) (AT&T *Ex Parte*).

² See Joint Motion To Make Informal Open Internet Complaint Documents Part of the Record and To Set a Pleading Cycle for Comment on Them, WC Docket No. 17-108 (filed Sept. 18, 2017).

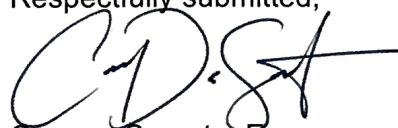
³ See Application of NHMC for Review of Initial Action Re: NHMC FOIA Requests, WC Docket No. 17-108 (filed Nov. 14, 2017).

⁴ Reza Rajabiun, LLM, PhD, Consumer Perspectives on Barriers to Accessing the Open Internet: A Preliminary Analysis of Informal Consumer Complaints to the Federal Communications Commission (FCC) and Related Documents, WC Docket No. 17-108 (filed Nov. 20, 2017).

⁵ AT&T *Ex Parte* at 6.

NHMC is submitting the text of the consumer complaints and spreadsheet via hand-delivered USB flash drive to the FCC and requests that the documents be uploaded to its Electronic Comment Filing System (ECFS). The documents released pursuant to NHMC's FOIA requests show that everyday consumers experience barriers when trying to access the open Internet. This evidence must be considered by the FCC as part of the above-referenced proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Scurato', with a long horizontal stroke extending to the right.

Carmen Scurato, Esq.
Director, Policy & Legal Affairs
National Hispanic Media Coalition
718 7th Street NW
Washington, DC 20001
(202) 596-8997
cscurato@nhmc.org

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