**BELLSOUTH**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W. – Room 222
Washington, D.C. 20554

*Re: Implementation of Section 304 of the Telecommunications Act of 1996 – Commercial Availability of Navigation Devices, CS Dkt. No. 97-80*

Dear Ms. Salas:

This notice of multiple oral *ex parte* presentations in the above-referenced proceeding is provided for inclusion in the public record in accordance with the Commission's *ex parte* rules.

Yesterday, Thompson T. Rawls, Vice President and General Counsel, BellSouth Entertainment, Inc., Scott Swix, Director of Systems Architecture, BellSouth Entertainment, Inc. and the undersigned met separately with Anita Wallgren and Wendy Creeden – Office of Commissioner Ness; Paul Misener – Office of Commissioner Furchtgott-Roth; Karen Kornbluh – Mass Media Bureau; Jane Mago – Office of Commissioner Powell; Rick Chessen – Office of Commissioner Tristani; and, jointly with Bill Johnson, Meryl Icove and Deborah Klein – Cable Services Bureau and Dale Hatfield and Jonathan Levy – Office of Plans and Policy to discuss BellSouth's position in the above-referenced proceeding.

Attached for inclusion in the record of this proceeding is a copy of the one-page document that was distributed at each meeting; it summarizes the key points of BellSouth's position.

In addition to discussing the points contained in the attachment, BellSouth was asked to comment on the four-part "hierarchy of services" discussed in the *"Initial Comments of Ameritech New Media, Inc."* in this proceeding. Ameritech's approach represents one possible segmentation of computing/communications equipment, but BellSouth encourages the Commission to consider a different blend of layers than those proposed by Ameritech. First, BellSouth recommends that only a subset of the Hardware Services Layer should be standardized; this would include only external connections (e.g., cable in/out, telephony in/out, audio in/out, comm ports, smart card). This approach would ensure that device manufacturers have the flexibility to create independent designs and utilize different internal components.

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Second, BellSouth agrees with the need to standardize the Hardware Communications Services Layer.

Third, BellSouth disagrees with Ameritech on the scope of and benefit to standardizing the Applications Support Services Layer. We believe the operating systems should be separated and independent from an Applications Support Layer. The operating system should not be standardized. The separate Applications Support Layer would provide a set of programming interfaces (APIs) to which applications may be written, and where the Applications Support Layer is therefore a prime candidate for standardization.

While this approach may be more difficult to attain than that proposed in Ameritech's *Initial Comments*, it would result in the definition of a "platform" that would permit applications developers to write software for the standard device definition, independent of the manufacturer's hardware or operating system selections. The Ameritech proposal would result in a pure hardware definition with an unknown and unpredictable operating system and Applications Support Layer, thereby reducing the portability of applications and the desired portability and interchangeability of devices. Finally, the only alternative in the Ameritech model is for the service provider (i.e., MVPD) to distribute an operating system/Applications Support Services Layer that either is (i) compatible with a very tightly-defined hardware specification; (ii) customized for all different hardware implementations; or (iii) customized to operate only on one hardware configuration.

Please direct any questions regarding this matter to the undersigned.

Sincerely,

Attachment

cc: Rick Chessen
Wendy Creeden
Dale Hatfield
Meryl Icove
Bill Johnson
Deborah Klein
Karen Kornbluh
Jonathan Levy
Jane Mago
Paul Misener
Anita Wallgren

BELLSOUTH ENTERTAINMENT, INC. (CS DKT. NO. 97-80)

1. Public Interest Would Be Served By Open Industry Standards that Support Diverse and Unique Software Applications (Look & Feel & Features) and Video Competition

2. BellSouth Is Providing Significant Video Competition

   - 9 wireless markets covering approximately 3.3M homes
   - 18 cable franchises covering approximately 1.2M homes

3. Rules Should Distinguish between Navigation Equipment and Applications Software

   - applications software is critical to providing the Look & Feel & Features of services
   - applications software is critical to providing customer choice and differentiating competitive services, particularly those of new entrants

4. Rules Should Give Industry Opportunity To Develop Family of Equipment Interface Standards that Evolve Over Time for Each Distribution Technology

   - wired video (cable) • wireless video (MMDS) • satellite (DBS/SMATV)

5. Effective Date Should Allow Adequate Time to Complete Standards Development, Manufacture and Deploy Compliant Equipment (Development of Opencable Standards Should Be Open to Broader Industry Participation)

6. Rules Should Not Delay Near Term Introduction of Competitive Video Services Delivered to Consumers Via Today's Integrated Equipment

7. Separate Equipment Charge Should Not Be Applied to Competitors Facing Effective Competition

   - current cable regulation only requires separate equipment charge where operator does not face effective competition
   - if separate equipment charge is required for distributors facing effective competition, rules should provide flexible and expeditious waiver opportunity for new entrants and new technologies (e.g. Wireless Digital TV)

8. Rules Should Not Require Video Distributors to Disclose Proprietary Network Information

9. Starsight Guide Is Applications Software not Navigation Equipment – as such, Video Distributors Must Not Be Required to Carry such Proprietary Data Streams