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GLENN B. MANISHIN
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June 5, 1998

VIA MESSENGER

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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Re CSB Docket No. 97-80; ET Docket No. 93-7
Notice of Ex Parte Communication

Dear Ms. Salas

On Thursday, June 4, 1998, Elise Kiely and the undersigned, counsel for Echelon Corporation, met separately with Susan Fox, Senior Legal Advisor to Chairman Kennard, Dale Hatfield, Chief Technologist, Paul Misener, Senior Legal Advisor/Chief of Staff to Commissioner Furchtgott-Roth, and Anita Wallgren, Legal Advisor to Commissioner Ness, to discuss commercial availability of navigation devices in Docket 97-80 and completion of the pending cable compatibility proceeding in Docket 93-7. Echelon's views are reflected in its comments of record and previous submissions in these two dockets, and copies of prior public filings by both Echelon and by the Computer and High-Technology Coalition were distributed.

Echelon specifically urged that:

1. Any FCC rules on commercial availability of navigation devices in Docket 97-80 should be limited, at least in the first phase of the proceeding, to digital set-top boxes, in order to jump-start DTV, encourage consumer purchase of digital TVs and thus broadcast of HDTV, and avoid creating incentives for investment in soon-to-be obsolete analog TV equipment. The Commission should either defer any analog rules or issue a Further Notice requesting comment on the more difficult policy, legal and technical issues associated with analog navigation devices.

2. The Commission should not and cannot adopt or incorporate the analog "decoder interface" (IS-105.1 and/or IS-105.2) in its navigation device rules consistently with Section 301(f) of the Telecommunications Act of 1996, which was intended to overrule the decoder interface standard and compel marketplace, not government-supervised, standards processes.

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List A B C D E

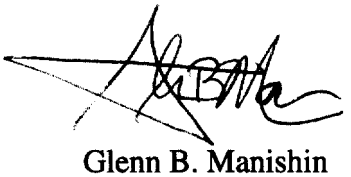
3. Completion of the FCC' s long-pending Docket 93-7, and determination of the legality of the decoder interface under the restrictions imposed by the 1996 Act, must occur before consideration of whether to adopt/incorporate any portion of the decoder interface as a means of ensuring commercial availability of navigation devices.

4. Alternatives to the decoder interface (such as "VCR Plus+" technology) and to new technical standards for analog set-top boxes (such as licensing of analog scrambling technology to competing navigation device manufacturers) are available that would permit the Commission, if desired, to encourage commercial sale of analog navigation devices without necessitating costly, unnecessary and counterproductive investment -- by consumers and manufacturers -- in yet another generation of analog technology.

5. The Commission should not adopt, approve, reference or otherwise endorse any technical standards for navigation devices. It instead should promulgate rules requiring each multichannel video provider to makes its navigation devices commercially available, and allow the market and the consensus, voluntary industry standards process to determine what technical standards, if any, are needed to accomplish that objective.

Pursuant to Section 1.1206 of the Commission's Rules, two copies of this letter are enclosed for filing. Please contact me should you have any questions in regard to this matter.

Sincerely,



Glenn B. Manishin

GBM:hs
cc: Rick Chessin
Susan Fox
Dale Hatfield
Jane Mago
Paul Misener
Anita Wallgren