ORIGINAL

EX PARTE OR LATE FILED

WILLKIE FARR & GALLAGHER

ORIGINAL

Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20036-3384

202 328 8000
Fax: 202 887 8979

July 5, 2000

VIA COURIER

RECEIVED

JUL 5 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte*: **In the Matter of Closed Captioning Requirements for Digital Television Receivers, ET Docket No. 99-254; In the Matter of Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, MM Docket No. 00-39; In the Matter of Compatibility Between Cable Systems and Consumer Electronics Equipment, PP Docket No. 00-67.**

Dear Ms. Salas:

Today, I distributed the attached *ex parte* letter to Ms. Meryl Icove, Associate Chief, Cable Services Bureau, and to certain Commission staff listed on the attached service list.

An original and two (2) copies of this letter and attachment are submitted herewith in accordance with Section 1.1206(b) of the Commission's rules.

Please place a copy of this letter in the dockets of these proceedings.

Kindly direct any questions regarding this letter or the attachment to my attention.

Thank you.

Sincerely,

Jonathan A. Friedman
Counsel for Motorola, Inc.

cc: Parties on attached service list

Att.

0115088.01

No. of Copies rec'd 0+2
List A B C D E

Washington, DC
New York
Paris
London

MOTOROLA

EX PARTE OR LATE FILED

July 5, 2000

RECEIVED

JUL 5 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Meryl Icove
Associate Chief, Cable Services Bureau
Director, Disabilities Issues Task Force
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte*: **In the Matter of Closed Captioning Requirements for Digital Television Receivers, ET Docket No. 99-254; In the Matter of Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, MM Docket No. 00-39; In the Matter of Compatibility Between Cable Systems and Consumer Electronics Equipment, PP Docket No. 00-67**

Dear Ms. Icove:

This letter follows up on comments Motorola and other parties have submitted in the above-referenced proceedings regarding the significant negative impact that would be imposed on the cable and satellite industries, as well as on consumers, if the Commission were to adopt Section 9 of the EIA-708 closed captioning standard.

As these previous filings demonstrate, a Commission decision to require digital television receivers to decode solely the EIA-708 standard (*which uses the A/53 transport format*) would render obsolete the substantial deployed base of cable and satellite encoding and decoding equipment (*which uses the DVS-157 transport format*), and would consequently impose substantial upgrade costs on both industries and ultimately on consumers.[1] Motorola has

---

[1] *See* Comments of General Instrument Corporation, filed in ET Docket No. 99-254, at 5-8 (Oct. 18, 1999) ("GI Captioning Comments"); Comments of the National Cable Television Association, filed in ET Docket No. 99-254, at 5-7 (Oct. 18, 1999); Reply Comments of General Instrument Corporation, filed in ET Docket No. 99-254, at 1-2 (Nov. 15, 1999) ("GI Captioning Reply Comments"); Reply Comments of AT&T Corporation, filed in ET Docket No. 99-254, at 3-6 (Nov. 15, 1999). *See also* Comments of Motorola, Inc., filed in MM Docket No. 00-39, at 5-12 & n. 18 (May 17, 2000) ("Motorola DTV Transition Comments") (noting that this (footnote continued...)

Government Relations
1350 I Street, N.W. Washington, DC 20005-3305 (202) 371-6900 FAX (202) 842-3578

suggested that the optimal way to achieve backward compatibility with this substantial deployed base of equipment would be for the Commission to require that: (1) all closed captions in digital video programming are transmitted in the well-established DVS-157 format (even if they are also simultaneously transmitted in the A/53 format); and (2) that digital TVs are capable of decoding captions in the DVS-157 format (even if they are also capable of decoding captions in the A/53 format).[2] As Motorola has also pointed out, such an approach would be particularly reasonable because the compliance costs for broadcasters and equipment manufacturers would be minimal.[3] In fact, Motorola has already begun to incorporate such dual processing functionality into its own digital hosts, beginning with the DCT2020 model, and thus is simply asking that TV manufacturers and broadcasters be required to step up to the same level of commitment that Motorola has undertaken to ensure compatibility in the closed captioning area.

It has come to Motorola's attention that some parties may believe that Motorola is proposing this dual processing solution because it has a vested interest in retaining the DVS-157 standard. This view is inaccurate. As Motorola has clearly stated on the record, Motorola has agreed to license the intellectual property it has in the DVS-157 standard to parties on a *reasonable*, *non-discriminatory*, and *royalty-free* basis.[4] Motorola's position on this issue has been motivated by a desire that the Commission pursue the most efficient approach on digital

(...footnote continued)

compatibility issue affects the satellite industry as well); Comments of Motorola, Inc., filed in PP Docket No. 00-67, at 8 (May 24, 2000) ("Motorola Cable Compatibility Comments") (same). For example, exclusive adoption of EIA-708 would leave millions of hearing-impaired individuals and other consumers who currently use deployed digital terminals to decode closed captions for their analog TVs with equipment that no longer works merely as a result of a regulatory change in the standard used to transmit closed captioning information.

[2] *See* GI Captioning Comments at 7-8; GI Captioning Reply Comments at 2; Motorola DTV Transition Comments at 11; Motorola Cable Compatibility Comments at 9.

[3] *See* Motorola DTV Transition Comments at 12 (noting that: (1) many broadcast encoders already include the capability to simultaneously transmit captions in both the A/53 and DVS-157 formats; (2) the impact of such simultaneous transmissions on broadcast spectrum is *de minimis*; and (3) the incremental cost of including dual decoding functionality into digital TV receivers is less than a penny); Motorola Cable Compatibility Comments at 10 (same).

[4] *See* GI Captioning Comments at n. 3.

captioning by capitalizing on, rather than forcing the premature replacement of, the deployed base of digital equipment in the cable and satellite industries.[5]

Please feel free to contact me with any questions you may have on this matter.

Sincerely,

Christine G. Crafton /JAF

Christine G. Crafton
Vice President and Director
Broadband Regulatory Policy
Motorola, Inc.

cc: Magalie Roman Salas
Parties on attached service list.

---

[5] In fact, if Motorola were motivated strictly by economic self-interest in this matter, Motorola presumably would have vigorously *supported* the Commission's proposal to adopt Section 9 of EIA-708. As a major supplier of equipment to the cable and satellite industries, as well as to the broadcast industry, Motorola would theoretically stand to benefit by any regulations that require programmers and operators to upgrade or swap out their deployed base of encoding and decoding equipment.

CERTIFICATE OF SERVICE

I, Robin Smith, do hereby certify that I caused one copy of the foregoing *Ex Parte* Letter of Motorola, Inc. ("Letter") to be served by hand delivery on the following parties this 5th day of July, 2000.

William H. Johnson
Deputy Chief, Cable Services Bureau
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Room 3-C740
Washington, DC 20554

Dale Hatfield, Chief
Office of Engineering and Technology
Federal Communications Commission
The Portals
445 12th Street, S.W.
Room 7-C155
Washington, DC 20554

Michael Lance
Cable Services Bureau
Federal Communications Commission
The Portals
445 12th Street, S.W.
Room 7-C818
Washington, DC 20554

John Wong
Cable Services Bureau
Federal Communications Commission
The Portals
445 12th Street, S.W.
Room 4-C838
Washington, DC 20554

Marcia A. Glauberman
Cable Services Bureau
Federal Communications Commission
The Portals
445 12th Street, S.W.
Room 3-A738
Washington, DC 20554

Neal L. McNeil
Office of Engineering and Technology
Federal Communications Commission
The Portals
445 12th Street, S.W.
Room 7-A133
Washington, D.C. 20554

Karen Rackley
Office of Engineering and Technology
Federal Communications Commission
The Portals
445 12th Street, S.W.
Room 7-A161
Washington, D.C. 20554

Julius P. Knapp
Office of Engineering and Technology
Federal Communications Commission
The Portals
445 12th Street, S.W.
Room 7-B133
Washington, D.C. 20554

Bruce A. Franca
Office of Engineering and Technology
Federal Communications Commission
The Portals
445 12th Street, S.W.
Room 7-C153
Washington, D.C. 20554

Don Wang
International Transcription Service
1231 20th Street, NW
Washington, DC 20036-2307

Robin Smith

Robin Smith

0113301.01