



October 24, 2001

**NOTICE OF EX PARTE**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

**Re: CS Docket 97-80: In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996 – Commercial Availability of Navigation Devices**

Dear Ms. Salas:

On October 22 and 23, 2001, representatives of the Telecommunications Industry Association (TIA) met with members of the Commission's staff to discuss issues associated with the above-captioned proceeding. Participants in the meetings were as follows:

TIA representatives in all meetings

Derek Khlopin  
Bill Loughrey  
Himanshu Parikh

FCC representatives

*Monday, October 22*

In separate meetings:

Susan Eid, Legal Advisor to Chairman Michael Powell  
Stacy Robinson, Legal Advisor to Commissioner Kathleen Abernathy  
Susanna Zwerling, Legal Advisor to Commissioner Michael Copps

In one meeting:

Kenneth Ferree, Chief, Cable Services Bureau  
Deborah Klein, Cable Services Bureau  
Adam Candeub, Cable Services Bureau  
Steven Broeckaert, Cable Services Bureau  
Tom Horan, Cable Services Bureau  
William Johnson, Cable Services Bureau  
Rick Chessen, Mass Media Bureau

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Amy Nathan, Office of Plans and Policy  
Jonathan Levy, Office of Plans and Policy  
Mike Lance, Cable Services Bureau  
John Wong, Cable Services Bureau

*Tuesday, October 23*

In a separate meeting:  
Catherine Crutcher Bohigian, Legal Advisor to Commissioner Kevin Martin

In one meeting:  
Robert Pepper, Chief, Office of Plans and Policy  
Bruce Franca, Office of Engineering and Technology  
Amy Nathan, Office of Plans and Policy

The purpose of all of the above meetings was for TIA to discuss the current marketplace realities of the commercial availability of cable set-top boxes. In the course of this meeting, TIA reiterated points that it already has made in the record of this proceeding,<sup>1</sup> outlined as follows:

- TIA has long supported, to the greatest extent possible, a deregulatory framework rather than an increase in regulatory obligations. TIA believes that the marketplace usually can work things out most efficiently and effectively.
- It should be no surprise then that TIA has consistently opposed portions of the FCC's implementation of Section 304 of the 1996 Act, involving the retail availability of set-top boxes.
- TIA previously had warned that the mandate to separate security and non-security functions (the "POD" approach) would "freeze" technology - which did happen.
- The retail market has not developed despite manufacturers' efforts costing millions of dollars to support the POD-host device arrangement.
- TIA continues to believe that the FCC should reconsider its decision to require the phase-out of integrated set-top boxes by 2005.

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<sup>1</sup> See Comments of the Telecommunications Industry Association (filed Nov. 15, 2000); TIA Petition for Reconsideration (filed Aug. 14, 1998).

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Copies of this notice have been forwarded to the staff members present at these meetings, pursuant to 47 C.F.R. § 1.1208(b)(2). If you have any questions about this submission, please contact the undersigned.

Sincerely,

/s/

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Derek R. Khlopin  
Director, Law and Public Policy

cc:

Susan Eid  
Stacy Robinson  
Susanna Zwerling  
Catherine Crutcher Bohigian  
Kenneth Ferree  
Robert Peper  
Deborah Klein  
Adam Candeub  
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