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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

November 1, 2002

BY HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Notice of Ex Parte Presentation
in CS Dkt. Nos. 98-120, 00-96, 00-2, 97-80 and PP Dkt. No. 00-67**

Dear Ms. Dortch:

On behalf of Gemstar-TV Guide International, Inc. ("Gemstar"), on October 31, 2002, Greg Simon of InfoTech Strategies, former FCC Commissioner Henry M. Rivera of Shook, Hardy & Bacon and the undersigned met with Commissioner Kevin Martin and his Legal Advisor Catherine Bohigian at Commissioner Martin's invitation. We discussed the need for the Commission to assure, in its resolution of the various proceedings relating to the transition to digital television, the unimpeded pass-through to consumers by multichannel video programming distributors ("MVPDs") of material and information (including but not limited to advertising) that facilitates the operation of electronic program guides ("EPG") that are unaffiliated with the MVPD.

In particular, we discussed the functional similarity of digital television EPGs and Internet web browsers, "first screens" and "home pages," all of which may be misused by the platform provider to exclude competing navigation devices and to discriminate in favor of the platform provider's proprietary EPGs, programs and services. We also discussed application to EPGs, especially those unaffiliated with the MVPD, of the statutory directive to the Commission to adapt its signal carriage rules to the digital environment. We discussed the irrationality of defining "program-relatedness" to exclude electronic program guides, especially in light of their vital role in the digital transition by empowering consumers to locate and select available programming easily during and after the transition notwithstanding the confusion inherent in the

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transition and the significant differences between analog and digital program transmission, placement and accessibility by consumers. We also discussed the lack of any public benefit from allowing cable stripping of independent EPG data, the multiple public interest benefits of requiring its undisturbed pass-through, and the need for Commission resolution of the proceedings to be driven mainly by statutory directives to benefit consumers, with technical decisions such as PSIP pass-through adapted to those objectives, rather than treated as ends in themselves.

An original of this filing, and two copies for each proceeding listed above, are being submitted to the Secretary's Office in compliance with Section 1.1206 of the Commission rules.

Respectfully submitted,



Michael D. Berg

Attachment

cc: Commissioner Kevin J. Martin
Catherine C. Bohigian, Esquire