

To: Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

Re: MB Docket 02-230

Dear Ms. Dortch:

I believe mandating the broadcast flag for Digital Television is a grave mistake and to urge you to reject the Notice of Proposed Rule making #02-230, which would limit the functionality of digital television sets.

This proposal will hamper innovation in digital televisions and other digital equipment that will receive digital broadcast or process digital data or signals. This ruling sets a bad precedent for information that is transmitted over the public airwaves and is held in trust by the FCC in the public's interest. This as an attempt by Broadcasters and Entertainment Industry insiders to turn back the clock on personal video recording and to limit public choice as to what programs people watch and when they wish to watch them.

I believe that this effort to control the public airwaves will reduce the public's desire to use Digital Television. Other mandated features of TV sets and related equipment such as Stereo and Closed Captioning have added value to the public's experience, the broadcast flag is the first that reduces the value to the public.

Currently as a consumer and member of the public I see the following as the main factors holding back acceptance of Digital Television:

1. Cost of the hardware.  
DTV sets are far out of the reach of the average consumer, encouraging manufacturers to produce smaller sized wide screen sets and/or forcing the inclusion of DTV tuners in higher-end sets may help drive prices down.
2. Lack of equipment to record DTV signals.  
Currently I am not away of any VCRs capable of recording DTV shows and with many home and work requirements of my time I can't watch many programs when they are broadcast, and so the ability to record a show or use a tape that someone else has recorded is a requirement.
3. Little Public Awareness.  
There appears to be little public awareness as to the features of Digital Television and the fact that current sets will be obsolete in the future without use of converter boxes. Fostering awareness of these two facts may encourage conversion since few people will be willing to buy higher end new sets that will be obsolete in a few years and will purchase DTV compatible sets.
4. Inability to access content.  
Even though several broadcasters in my area transmit in DTV, I don't have access to the signals because I don't have access to a broadcast antenna. I am dependent on my cable provider to carry DTV content and currently the number of programs that take advantage of the higher definition picture don't justify the expense of purchasing a new set to take advantage of this content and I don't have the ability to record the programming that does exist so I can watch it when I have time to.

In summary I don't see the issue with the adoption of the Digital Television being solved by mandating the broadcast flag. The content exists for DTV and adding the broadcast flag is not going to improve that despite what the Broadcasters and Entertainment industry state. The hold up is the Public and the Public is holding out for the prices on DTV receivers to become affordable and for the ability to view programming when and where it is convenient for themselves.

Regards,  
Paul R. Berger