

*A Partnership Including
Professional Corporations*
600 13th Street, N.W.
Washington, D.C. 20005-3096
202-756-8000
Facsimile 202-756-8087
<http://www.mwe.com>

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MCDERMOTT, WILL & EMERY

Robert S. Schwartz
rschwartz@mwe.com
202-756-8081

June 16, 2003

VIA ECFS

Ms. Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, D.C. 20554

Re: Ex Parte Communication in CS Docket No. 97-80 (Commercial Availability of Navigation Devices); PP Docket No. 00-67 (Compatibility Between Cable Systems and Consumer Electronics Equipment); and MB Docket No. 03-15 (Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television).

Dear Ms. Dortch:

On June 12, 2003, the undersigned, on behalf of the Consumer Electronics Retailers Coalition (CERC), and Michael Petricone, on behalf of the Consumer Electronics Association (CEA), met with Rick Chessen, Thomas Horan, Bill Johnson, Mike Perko, Alison Greenwald, Mike Lance, Susan Mort and Mary Beth Murphy of the Media Bureau and Amy Nathan of the Office of Strategic Planning and Policy Analysis. The purpose of the meetings was to assert the importance of expeditious action by the Commission on the Further Notice of Proposed Rulemaking in these Dockets, to urge approval by the Commission of the matters noticed in the FNPRM, and to answer any questions with respect to these proposals.

CEA and CERC underscored their unqualified endorsement of the "Plug & Play" proposals on which comment has been sought. They urged implementation by the Commission on the most expeditious basis possible. They reviewed the following points, made previously in their joint Comments and Reply Comments:

- ◆ The proposed technical regulations are essentially non-controversial.
- ◆ The availability to consumer electronics and information technology manufacturers of the DFAST license is essential for the development, production, and marketing of devices

that work on digital cable systems, offer home network interoperability, and support consumer home recording. Unless such devices are available, most consumers will be denied the benefits of competition and innovation in the digital transition.

- ◆ The Congress instructed the Commission in 1992 and 1996 to achieve and assure such competitive entry in its regulations. The Commission's prior ruling that copy protection may be addressed in Commission rules as a subset of conditional access leaves availability of the DFAST license as the only viable public policy outcome that will meet these objectives laid down by Congress for the Commission.
- ◆ Previous statements and filings by motion picture interests have asserted specifically that these interests will support competition among devices only in the context of a single encoding rule regime applicable to all MVPD devices.
- ◆ Expeditious action by the Commission will allow manufacturers, at slight additional cost, to build cable tuners into devices subject to the Commission's off-air tuner mandate that is effective July 1, 2004. Delay beyond a July/August framework for approval will forego these efficiencies and impose unnecessary costs on most consumers.

This letter is being provided to your office in accordance with Section 1.1206 of the Federal Communications Commission rules. A copy of this letter has been delivered to the parties listed below.

Very truly yours,

Robert S. Schwartz
Robert S. Schwartz

cc: Rick Chessen
Bill Johnson
Mary Beth Murphy
Susan Mort
Michael Lance
Michael Perko
Tom Horan
Alison Greenwald
Amy Nathan