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UNITED STATES GOVERNMENT

U.S. DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

Memorandum

DATE: June 26, 2003
TO: Marlene H. Dortch, Secretary
FROM: Susan Mort, Attorney Advisor, Media Bureau
SUBJECT: Ex Parte Notice in CS Docket No. 97-80 & PP Docket No. 00-67

Please place copies of the attached correspondence in the above-referenced dockets.
Thank you.

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Federal Communications Commission
Washington, D.C. 20554

June 26, 2003

Mr. Neal Goldberg
National Cable & Telecommunications Assoc.
1724 Massachusetts Avenue, NW
Washington, DC 20036-1969

Mr. Michael Petricone
Consumer Electronics Assoc.
2500 Wilson Blvd.
Arlington, VA 22201-3834

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From: [illegible]

Re: CS Docket No. 97-80 and PP Docket No. 00-67

Dear Mr. Goldberg and Mr. Petricone:

As a part of the Bureau's ongoing analysis of the proposed regulations in the referenced proceeding, we seek clarification on several factual and technical questions that are attached to this correspondence. Although we recognize that the December 19, 2002, proposal in this proceeding was not made by your associations directly but jointly by a group of cable television system operators and consumer electronics manufacturers, we are hopeful that you can assist us in obtaining answers to these questions.

Our analysis of other matters in this proceeding is ongoing so that these questions should not be taken as a complete or comprehensive listing of the matters about which further information may be needed. We would appreciate written responses to these questions by July 10, 2003. A copy of this letter will be placed in the Dockets and we invite other parties that may be interested to respond as well.

Sincerely,

John P. Wong
John P. Wong
Chief, Engineering Division
Media Bureau

cc: William Check, NCTA
Andrew Scott, NCTA
Paul Glist, Cole, Raywid & Braverman
Brian Markwalter, CEA
Robert Schwartz, McDermott, Will & Emery

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ATTACHMENT

Office of Cable Television
Federal Communications Commission

Technical Standards

1. Which technical standards, including those referenced in the PSIP Agreement (e.g., ATSC A/65, SCTE DVS-097 Rev 7, DVS 234r1), have been amended since the MOU was submitted (i.e., is SCTE 40 2001 now SCTE 40 2003)? What is the reason for the specific change proposed to the SCTE 40 2001 standard?
2. Please provide for the formal record official copies of all of the standards that are referenced in the proposed rules, including those referenced in the PSIP Agreement. To the extent that a standard is modified or amended by another document (e.g., SCTE 40 2001, as amended by DVS/535), if such amendment has not yet been made a part of the official standard, then a copy of the amending document would be needed as well. (For any standards to be incorporated by reference into the FCC rules, we are required to provide copies to the Director of the Federal Register for approval and maintain copies for public inspection.)
3. Is there a process contemplated for changing the standards referenced in the rules as the underlying standards change over time?
4. If the proposed rules were adopted, would it be possible for cable operators to use improved modulation schemes (1024 QAM) or improved compression schemes (MPEG-4)? Does SCTE 40 preclude the use of modulations other than 64 or 256 QAM for video channels? Does SCTE 54 preclude use of encodings other than MPEG-2? If MPEG-4 is permitted under the cable transmission standard, would digital cable ready labeled receivers be able to receive and display MPEG-4 compressed programming content?
5. How do you define a "digital cable system?" Does it include systems that are digital only in that they pass through 8 VSB broadcast signals? Does it include systems whose only digital programming is from the HITS system?
6. Operators of small cable systems have expressed concerns about the costs of complying with the proposed rules. What changes in system operation, including in particular headend changes, would be required to comply? Please provide cost estimates for compliance with each cable operator support requirement (SCTE 28, 40, 41, 54, 65, PSIP Agreement, POD provisioning & set-top box replacement).
7. Given that SCTE 54 and SCTE 40 apply to systems in the 750 MHz or greater category, is there any obligation on lesser capacity systems to transmit in a standardized manner (QAM, MPEG-2)?
8. What do the proposed rules mean when they reference the requirement for a "functional" 1394 interface? Does functional mean including copy protection? If so, would such copy protection be limited to a certain set of technologies? There is no parallel use of the term "functional" in connection with the other referenced interfaces (DVI and HDMI)? Was this intentional?

PSIP Agreement

9. The PSIP Agreement seems to require cable operators to only pass through PSIP data that they receive and that is in compliance with ATSC A/65. Is this correct? Is there PSIP data that is received that is not in compliance with ATSC A/65?

10. Items 3 & 5 of Section 2 imply that the EIT can exist in-band or out-of-band. Where is it mandatory for the EIT to be provided in-band? Out-of-band?
11. The proposed technical rules require that systems in the 750 MHz or greater category comply with ANSI/SCTE 65 2002 (as of 10/29/02), provided however that the referenced Source Name Subtable shall be provided for profiles 1, 2 & 3. The PSIP Agreement is slightly different and specifies that cable operators, when transiting event information data out-of-band, shall conform to SCTE DVS 234r1 (now ANSI/SCTE 65) profiles 4 or higher. Is this difference deliberate? Which obligation would you regard as controlling if there is in fact a difference?

Labeling

12. What are the label names that will replace Digital Cable Compatible, "XXX" or "XXX plus YYY"? How will this unidirectional label relate to an eventual bidirectional label?

Device Certification and Technical Compliance

13. It appears that certain aspects of the manufacture and operation of unidirectional digital cable products are intended to be controlled both through the labeling rules and processes and through the DFAST license process (compare page 4 of proposed rules with page 4 of DFAST license). What is the intended relationship between these two sets of controls? For example, is it contemplated that there could be a device that would be manufactured, sold and connected by subscribers to cable systems in compliance with the DFAST license requirements which at the same time would not comply with all the requirements necessary to be labeled "Digital Cable Compatible?"
14. The development of the "test suite," as described in the proposed rules, involves a delegation of responsibility to CableLabs and CEA who would develop and mutually agree on the tests. Is there any process for input by other parties into the development of the tests? Do you believe that such a delegation is permitted under the applicable statutory provisions?
15. What are the specific tests in CableLabs' certification test suite?
16. What are the initial certification procedures (*i.e.*, cost, timing, etc.)?
17. What are the self-certification procedures (*i.e.*, timing, documentation, filing, etc.)?
18. Who determines what third party test facilities are "appropriately qualified" to conduct certifications?
19. What types of changes to a model would trigger recertification by CableLabs or an appropriately qualified 3rd party rather than self-certification?

DFAST License

20. What are the standards for revocation of certificates?

Encoding Rules

21. Is it the parties' intention to exempt from the encoding rules all content delivered by MVPDs via an IP connection?