

September 4, 2003

EX PARTE

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

RE: CS Docket No. 97-80; PP Docket No. 00-67

Dear Ms. Dortch:

On Wednesday, September 3, 2003, Christopher Cookson, President, Warner Bros. Technical Operations Inc. and Chief Technology Officer, Warner Bros. Entertainment Inc., and Jill Lesser, Senior Policy Advisor, AOL Time Warner Inc., spoke separately with Paul Gallant, legal advisor to Chairman Michael Powell, and Rick Chessen, Associate Bureau Chief, Digital Television Task Force, Media Bureau, regarding the proposal submitted to the Commission by cable system operators and consumer electronics ("CE") manufacturers on December 19, 2002 ("Plug and Play Agreement").

In particular, these conversations focused on the fact that the parties to the Plug and Play Agreement deferred to the Commission the issue of whether or not down resolution of programming, other than Unencrypted Broadcast Television should be enabled in devices subject to the DFAST license. Because it is critical to protect valuable content as it is delivered in new and innovative ways, Warner Brothers urged the Commission to take steps to ensure that products which implement the DFAST technology look for, recognize, respond and pass on to subsequent authorized devices an Image Constraint Token, as defined in the DTCP specifications, in order to enable content owners to constrain the visual quality of high value non-broadcast content delivered via unprotected High Definition outputs.

If you have any questions, please do not hesitate to contact us.

Respectfully submitted,

Steven N. Teplitz

cc: Paul Gallant
Rick Chessen