

September 29, 2003

Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Ex parte* presentation in MB Docket No. 02-230,
CS Docket No. 97-80 and PP Docket No. 00-67

Dear Ms. Dortch:

Today, Mike Godwin, Senior Technology Counsel, Public Knowledge (PK), Alex Curtis, Policy Analyst, PK, met with Anthony Dale, acting Legal Advisor on Media Issues for Commissioner Martin and Johanna Mikes, Advisor for Media Issues for Commissioner Adelstein. The purpose of the meeting was to discuss the substance of the comments, reply comments, and further analysis filed previously and today (attached) by PK pertaining to the above dockets.

In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Respectfully submitted



Mike Godwin
Senior Technology Counsel

Cc:
Commissioner Kevin J. Martin
Mr. Anthony Dale

Notes for Tony Dale meeting

Second Further Notice on Plug-and-Play Agreement and Criticisms of the Broadcast Flag Scheme

Plug & Play (second further)

Second Further Notice -- there ought to be an open door for both computers and alternative protection technologies so as to be responsive to market and consumer needs, business model changes. We'll be looking closely at that language when we have it.

Broadcast Flag

- I. We still think Broadcast flag scheme doesn't work.
 - A. It doesn't provide for analog conversions.
 - B. In the long term, Moore's Law kills it.
 - C. Competition among protection schemes guarantees incompatibility.

- II. MPAA proposal has immense breadth and enforcement problems.
 - A. Going to have to regulate a broad range of digital devices.
 - B. Going to have to regulate software and all A/D converters.

- III. Bifurcating. If you're going to go forward with a flag scheme, we'd be better off bifurcating the flag proceeding. Adopt the flag as a standard, and set up a process for admission of competing technologies, and one that includes harnessing convergence with computer advances.

- IV. There are other, better ways to protect content.
 - A. Follow the DVD model -- encryption at the source, release into secure software environment.
 - B. Accelerate the transition to HDTV, because larger file sizes are orders of magnitude more difficult to copy.

- V. Jurisdictional and procedural problems on the horizon.