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October 6, 2003

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

re: MB Docket No. 02-230

Dear Chairman Powell:

We understand that the Commission is moving toward the conclusion of its Digital Broadcast Copy Protection proceeding. Last December, the NBC Television Affiliates Association submitted comments supporting the adoption of a digital copy protection technology, commonly called the "broadcast flag." A few commenters in this proceeding have advocated a copy protection system that exempts news and public affairs programming from the protections of the flag. Permitting news and public affairs programming to be subject to digital piracy will eviscerate the protection that the flag would provide to the production of local digital television programming and will be particularly harmful to local stations that have a considerable financial stake in the integrity of their local news programming. Local stations also have a stake in copy protection for network news and public affairs programming.

In our earlier comments in this proceeding, we stated: "the NBC Affiliates may find that piracy makes it impossible to recover the costs of digital television production unless effective copy protection systems are implemented." The vast majority of the content produced by local NBC television affiliates is news and public affairs programming. News and public affairs programming is a primary way that local affiliates serve their local broadcast communities. As the Commission recently stated, "the airing of local news and public affairs programming by local television stations can serve as a useful measure of a station's effectiveness in serving the needs of its community." 2002 Biennial Regulatory Review, MB Docket No. 02-277, FCC 03-127 (rel. July 2, 2003), at 26, ¶ 79.

For local NBC affiliates, a broadcast flag system that does not protect news and public affairs programming would substantially gut the utility of this important technology. In our earlier comments, we said that the lack of a broadcast flag could disincentivize affiliates from producing valuable digital content. A protection system that does not protect the affiliates' core local programming offerings -- news and public affairs -- would have a similar effect.

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The Commission should adopt a rule protecting all digital content from piracy, including the valuable news and public affairs programming produced by NBC affiliates and the NBC television network.

Respectfully submitted,

Roger Ogden
Chairman
NBC Television Affiliates Association

cc: Commissioner Kathleen Q. Abernathy
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