



Consumer Electronics Association

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October 16, 2003

**VIA ELECTRONIC FILING**

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

Re: Written *Ex Parte* Presentation  
MB Docket No. 02-230, Digital Broadcast Copy Protection

Dear Ms. Dortch:

This letter is to supplement the Comments and Reply Comments submitted by the Consumer Electronics Association in the above-referenced proceeding on December 6, 2002 and February 18, 2003, respectively. We wish to address the single issue of the time required to redesign, manufacture, and market consumer electronics equipment that may become subject to any new mandatory requirements as a result of rules adopted in this proceeding. While a deadline for marketing compliant equipment is not specifically discussed in the Commission's Notice of Proposed Rulemaking, we want to address the manufacturing process in case a mandatory deadline is considered.

The design cycle extends over an 18–24 month period for consumer electronics equipment of the type potentially affected by rules under consideration in this proceeding, and that period is keyed to the traditional summer introduction season. The design cycle for products such as television receivers, television recording devices, and set-top boxes begins in January of one year and ends with products being introduced during the summer of the following year in time for the traditional holiday buying season. It is not feasible to shorten this time period because of the time required for the initial design process, the prototype and testing stages, and finally product manufacturing and distribution. The Commission has consistently recognized these design and manufacturing realities in our industry, including most recently in proceedings in which it mandated digital tuners,<sup>1</sup> digital closed captioning<sup>2</sup> and the V-chip.<sup>3</sup>

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<sup>1</sup> See *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MM Docket No. 00-39, Second Report and Order and Second Memorandum Opinion and Order, 17 FCC Rcd 15978 (2002), *appeal pending*, Case No. 02-1312, U.S. Court of Appeals for the D.C. Circuit. (Order released August 9, 2002; first implementation deadline July 1, 2004.)

<sup>2</sup> See *Closed Captioning Requirements for Digital Television Receivers*, ET Docket No. 99-254, Report and Order, 15 FCC Rcd 16788 (2000). (Order released July 31, 2000; implementation deadline July 1, 2002).

<sup>3</sup> See *Technical Requirements to Enable Blocking of Video Programming Based on Program Ratings, Implementation of Sections 551(c), (d), and (e) of the Telecommunications Act of 1996*, ET Docket No. 97-206, Report and Order, 13 FCC Rcd 11248 (1998). (Order released March 13, 1998; first implementation deadline July 1, 1999).

The Commission's most recent action in the Plug-and-Play proceeding adopting a phase-in schedule that begins in July 2004 is not inconsistent with this manufacturing cycle.<sup>4</sup> Unlike the standards at issue in this proceeding, in the Plug-and-Play proceeding representatives of the consumer electronics industry negotiated the details of the cable compatibility standard with representatives of the cable industry and therefore were fully conversant with the details of the standard in December 2002 when an agreement was reached and submitted to the Commission. Manufacturers therefore were able to perform substantial design and other work in contemplation of the Commission's action. In fact, manufacturers took significant risk to position themselves to meet the July 2004 schedule.

By contrast, in this proceeding the technologies that DTV receivers and other digital products may be required to employ and how equipment might have to respond are not and cannot be known until the Commission releases a decision. Therefore, there have been no industry-wide design or pre-production activity comparable to that which occurred in the Plug and Play context.

Accordingly, should the Commission adopt requirements in the above-referenced proceeding that include a deadline for a new functionality to be designed and built into television receivers or other home consumer electronics devices, we respectfully request that a minimum of 18–24 months be provided for compliance after all details of such requirements are published. For purposes of this proceeding, if requirements are adopted and published this autumn, we anticipate that a deadline of July 1, 2005, would be tight but achievable by most manufacturers.

In accordance with Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1206, one copy of this letter is being filed electronically. Please contact me if we can provide any additional information.

Respectfully Submitted,



Michael Petricone  
Vice President, Technology Policy  
CONSUMER ELECTRONICS ASSOCIATION

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<sup>4</sup> See *Implementation of Section 304 of the Telecommunications Act of 1996*, CS Docket No. 97-80; *Commercial Availability of Navigation Devices; Compatibility Between Cable Systems and Consumer Electronics Equipment*, PP Docket No. 00-67, Second Report and Order and Second Further Notice of Proposed Rulemaking, FCC 03-225 at App. B, new Section 15.123 of the Commission's rules (adopted September 10, 2003).