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October 17, 2003

**BY ELECTRONIC FILING**

Marlene H. Dortch, Esquire  
Secretary  
Federal Communications Commission  
445 12th Street, NW  
Washington, DC 20554

**Re: Notification of Ex Parte Communication**  
**MB Docket No. 02-230**

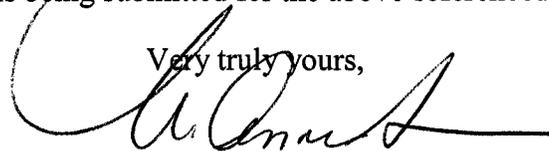
Dear Ms. Dortch:

This is to advise you, in accordance with Section 1.1206 of the FCC's rules, that Emery Simon of the Business Software Alliance ("BSA") and I met on October 16, 2003, with Bryan Tramont, FCC Chief of Staff, and Paul Gallant, Legal Advisor to Chairman Michael K. Powell.

The discussion involved the *ex parte* letter that BSA and the Computer Systems Policy Project (the "IT Coalition") submitted in this docket on October 2, 2003. At the meeting, we reviewed the points made in the letter, which was submitted to address specific proposals by the Motion Picture Association of America related to robustness and compliance rules and the specified criteria which technologies would have to meet to be certified as compliant, known as Table A criteria. In the meeting, we urged that, if the Commission does decide to proceed with adoption of a broadcast flag regime, it should divide the process into two parts: first, adoption of general rules permitting "tagging" HDTV broadcasts with a "flag," and, second, issuance of a further rule making notice seeking comment on robustness and on complex and critically important certification and de-certification rules for technologies authorized for digital broadcast copy protection. Copies of the IT Coalition's October 2, 2003 submission were made available at the meeting.

As required by Section 1.1206(b), as modified by the policies applicable to electronic filings, one electronic copy of this letter is being submitted for the above-referenced docket.

Very truly yours,



M. Anne Swanson

cc (by email): Bryan Tramont, Esquire  
Paul Gallant, Esquire