

27 October 2004

Ex Parte – Electronic Filing

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

Re: Notice of Ex Parte Communication: Digital Broadcast Content Protection, MB Docket 02-230; TiVoGuard Digital Output Protection Technology, MB Docket 04-63; Compatibility Between Cable Systems and Consumer Electronics Equipment, PP Docket 00-67

Dear Ms. Dortch:

On Tuesday, 26 October 2004, Neeraj Srivastava and Kerry Murray of Dell, Inc., and undersigned counsel, met with Rick Chessen of the Media Bureau.

We expressed the following views on behalf of Dell regarding the above-noted dockets.

1. There ought to be a unified process for approving new technologies under the broadcast flag and the plug and play regulations, and the Commission – rather than a third party – ought to decide which new technologies comply with the regulations.
2. Once a new technology has been approved under the broadcast flag regulations, there should be a self-certification process for individual implementations of the new technology. For cable plug and play products, where there are network interoperability concerns, it would be acceptable for individual implementations to be certified by independent authorized testing labs.
3. Content providers that limit the distribution of their digital content ought to be obligated to disclose such limitations to consumers by visibly marking that content with an accepted symbol similar to the TV ratings symbols. This would disclose to the consumer, in a manner visible to the eye, the encoding rules chosen by the content provider.

Ms. Marlene Dortch

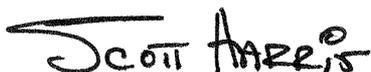
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4. The Commission ought not to approve limiting the resolution of content sent to analog outputs because of the adverse impact it would have on consumers using current equipment. Consumers should not have to worry that if they buy today's HDTV-related equipment they may be denied access to true HD content in the future, simply due to the choice they made for input/output connectivity.
5. The Commission ought to be the sole decision-maker about whether the approval of a broadcast flag or plug and play technology should be revoked. The standard for such revocation should be high, and whether the technology is still effective in the mass market is a factor that should be considered.

Please direct any questions regarding this notification to me.

Respectfully submitted,

A handwritten signature in black ink that reads "SCOTT HARRIS". The signature is written in a cursive style with a large, sweeping initial "S" and a small "e" at the end of "HARRIS".

Scott Blake Harris
Counsel to Dell, Inc.

cc: Rick Chessen