

November 5, 2004

Ms. Marlene H. Dortch  
Secretary  
Federal Communication Commission  
445 12th Street, S.W. – The Portals  
Washington, D.C. 20554

Re: Notice of Ex Parte Presentations  
*Digital Must Carry*, CS Docket No. 98-120

*A La Carte and Themed Programming and Pricing Options for Programming  
Distribution on Cable Television and Direct Broadcast Satellite Systems*  
MB Docket No. 04-207

Dear Ms. Dortch:

On November 4, 2004, Philip Kent, Chairman and CEO of Turner Broadcasting System, Inc., Andrew Heller, President, Domestic Distribution, Turner Broadcasting System, Inc., and the undersigned, met with FCC Commissioner Kathleen Abernathy and Stacy Fuller, Legal Advisor to Commissioner Abernathy, to discuss must-carry and the definition of “primary video” as it relates to the digital signal of a broadcaster. In particular, we urged the Commission to reaffirm its conclusion that “primary video” includes only a single video stream.

In addition, we discussed the Commission’s *a la carte* proceeding and reiterated arguments made in Turner’s written comments and reply comments. Specifically, we stated that the imposition of regulations requiring *a la carte* or themed tier programming and pricing options will adversely affect consumers and consumer prices, will reduce diversity of programming, and will inhibit development of new and original programming.

Pursuant to Section 1.1206(b) of the Commission’s rules, copies of this notice are being filed electronically in the above-captioned proceedings for inclusion in the public record. Should you have any questions, please do not hesitate to contact me.

Respectfully submitted,



Steven N. Teplitz  
Vice President and Associate General Counsel  
Time Warner Inc.

cc: Commissioner Kathleen Abernathy  
Stacy Fuller