

November 10, 2004

**EX PARTE**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: CS Docket No. 98-120; MB Docket No. 03-15

Dear Ms. Dortch:

Yesterday, November 9, 2004, Robert Sachs and I met with Commissioner Michael J. Copps and his Senior Legal Advisor Jordan Goldstein. During that meeting, NCTA described the cable industry's efforts to voluntarily provide high definition and multicast standard definition digital broadcast programming offered by commercial and non-commercial broadcast stations. As of the end of September 2004, the cable industry was voluntarily carrying more than 450 different local digital broadcast stations in addition to carrying the analog signals of all local commercial and non-commercial broadcast stations.

NCTA also discussed the status of the Commission's above-captioned pending proceedings addressing digital cable carriage and the Media Bureau's digital transition plan. NCTA urged the Commission not to require cable operators to carry both an analog and a digital signal from the same broadcast station. NCTA also argued that the Commission correctly decided that cable operators are not required to carry multicast digital broadcast signals.

Respectfully submitted,

**/s/ Diane B. Burstein**

Diane B. Burstein

cc: Commissioner Copps  
J. Goldstein