



November 23, 2004

Mr. Jordan Goldstein  
Sr. Legal Advisor to Commissioner Copps  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W. Rm. 8-A302  
Washington, D.C. 20554

**Re: CS Docket No. 97-80; PP Docket No. 00-67**

Dear Mr. Goldstein:

At our recent meeting with you, you raised questions about the information some cable operators are providing to their customers regarding the capabilities of unidirectional "Plug and Play" DTV sets. I explained that the operators are doing precisely what the Commission asked them to do in the Plug and Play Order (*e.g.*, para. 41) with respect to informing customers about the "functionalities" of unidirectional digital cable ready products. For your information, here is the relevant language (emphasis added) from paragraph 41 of the Plug and Play Order.

We anticipate that this labeling regime and consumer disclosure requirements will provide consumers with basic compatibility information about digital cable ready televisions and products. We remain concerned, however, that the voluntary nature of the labeling regime and the fact that a clear statement of a unidirectional digital cable television's functionalities is only provided in post-sale material may not aid consumers in making purchasing decisions. *In particular, we believe that the digital cable ready designation, absent further clarification or explanation, may cause consumer confusion because it does not indicate that a set-top box will be needed to receive interactive services. As discussed above, we expect that the cable industry will fulfill and expand upon its voluntary commitments in the MOU to ensure that subscribers and local retailers are both aware of the availability of digital cable service in their area and of the compatibility of unidirectional digital cable products with operators' systems.* The MOU, however, also reflects an understanding that consumer electronics manufacturers need not provide retail or pre-sale consumer notification information. *We strongly believe that it is incumbent upon the consumer electronics industry to collaborate with both their retail partners and the cable industry to develop consumer awareness campaigns about unidirectional digital cable televisions and their functionalities, particularly with regard to the*

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*need for set-top boxes in order to receive interactive services. Information could be disseminated to consumers in many different ways, including but not limited to cable subscriber notices, Internet web sites, point of sale marketing materials to be provided to retailers, more informative labeling on device packaging, or some other appropriate format designed to reach consumers before they make purchasing decisions. We will also seek comment in the Second Further Notice of Proposed Rulemaking on whether some form of pre-sale consumer notification should be required.*

I will, of course, be happy to discuss this issue further with you. Please contact me if you have any further questions.

Sincerely,

**/s/ Neal M. Goldberg**

Neal M. Goldberg

cc: Marlene H. Dortch (for inclusion in above dockets)  
Stacy Robinson Fuller  
Daniel Gonzalez  
Elizabeth Andrion  
Jon Cody  
Kenneth Ferree  
Rick Chessen  
Bill Johnson  
Natalie Roisman