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December 9, 2004

Via Hand Delivery

Ms. Marlene Dortch
Secretary
Federal Communications Commission
The Portals, Room TW-A325
445 Twelfth Street, SW
Washington, DC 20554

Re: **Ex Parte Notice**
MM Docket No. 99-325
(Digital Audio Broadcasting)
CS Docket No. 97-80 and PP Docket No. 00-67
(Commercial Availability of Navigation Devices and Compatibility Between
Cable Systems and Consumer Electronics Equipment/"Plug and Play")
MB Docket No. 02-230
(Digital Broadcasting Content Protection/"Broadcast Flag")

Dear Ms. Dortch:

On November 16, 2004, two representatives of Broadcast Music Inc. (BMI) and undersigned counsel met with Commission staff to discuss BMI's position in the above-referenced rulemaking proceedings.

The BMI representatives at those meetings were Joseph J. DiMona, Vice President, Legal Affairs, and David L. DeBusk, Assistant Vice President, Strategic Development.

We met (in three separate meetings) with Elizabeth Andron, Special Advisor to Commissioner Martin; Stacy Robinson Fuller, Mass Media Legal Advisor to Commissioner Abernathy; and Jon Cody, Senior Legal Advisor to Chairman Powell.

BMI is asking the Commission, in the above-referenced proceedings, to specify that performing rights organizations such as BMI would not be in violation of any Commission rules adopted in these proceedings while performing the functions necessary for performance monitoring and copyright royalty distribution in a digital environment; and that the administrators or owners of any Digital Rights Management ("DRM") method used pursuant to the Commission's rules must make available to the performing rights organizations on a reasonable and non-discriminatory basis the ability to access any encrypted or encoded information for this purpose.

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During these meetings, we handed out copies of the attached chart labeled "Broadcast Monitoring Signal Capture Architecture."

Please address any communications concerning this matter to the undersigned counsel.

Very truly yours,


Howard M. Liberman

CC (w/o encl): Elizabeth Andrion
Stacy Robinson Fuller
Jon Cody

Set-Top
Box

Signal Capture
Device

Set-Top
Box

Signal Capture
Device

Set-Top
Box

Signal Capture
Device



Matching
Application
Server

Output
Server