

December 23, 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 Presentation
CS Docket No. 97-80

Dear Ms. Dortch:

On December 22, 2004, Glenn Britt, Chairman and CEO of Time Warner Cable, spoke with FCC Commissioner Kathleen Abernathy regarding the above-captioned proceeding. During this discussion, Mr. Britt discussed why the ban on cable operator deployment of integrated set-top boxes should be eliminated, or at a minimum, extended for at least 18-months.

In particular, Mr. Britt noted that there should be no doubt as to the cable industry's commitment to a retail market, as evidenced by the successful implementation of the MSO-CE Agreement following the Commission's adoption of rules in its Plug and Play Order. In fact, more than 2,000 CableCARDS have been installed in Time Warner Cable systems – a number that is expected to increase rapidly. And while normal start-up issues can be expected with any new technology, cable operators continue to work closely with CE companies to make sure that the more than 140 new Plug and Play devices currently available to consumers (which are in turn produced by 11 different manufacturers), work effectively. In light of these developments, the ban would now serve only to limit consumer choice and unnecessarily raise costs to consumers. Moreover, Mr. Britt stressed that cable's use of CableCARDS has no bearing on innovation by CE companies. Finally, given the lead time required to build and deploy cable card enabled set-top boxes, Mr. Britt urged the Commission to act promptly on this matter.

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: Stacy Fuller