

ASSOCIATION FOR **MAXIMUM SERVICE TELEVISION, INC.**



March 14, 2005

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VIA Electronic Filing
Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: ***Ex Parte* Communication in CS Docket No. 97-80**

Dear Ms. Dortch:

The Association for Maximum Service Television, Inc. (MSTV) submits this letter to urge that the Commission maintain its requirement that all digital cable products – including cable operator supplied set top boxes – use separable security (*i.e.*, CableCARDSTM) by July 1, 2006. As a leading proponent of the transition to digital television, MSTV is troubled by the proposal of the National Cable & Telecommunications Association (NCTA) and the major cable operators to eliminate or further delay the deadline for cable reliance on separable security. MSTV believes that maintaining the requirement for cable operators to deploy devices relying on separable security will serve the public interest and advance the transition to digital television.

Specifically, requiring cable operators to rely on the same security interface made available for competitors will contribute to both improved CableCARD functionality and lower CableCARD prices, resulting in consumers having more plentiful, more desirable, and less expensive cable-ready digital television sets capable of receiving the full benefits of broadcasters' digital signals.¹ As a delegation led by CEA explained in a filing to the FCC, "Only common investment in and reliance on separable security will ensure the development of a competitive market for value-added consumer electronics products with integrated DTV tuners."² By maintaining the existing deadline of July 1, 2006, for common reliance on a separable security interface, the Commission will help ensure that consumers have incentives

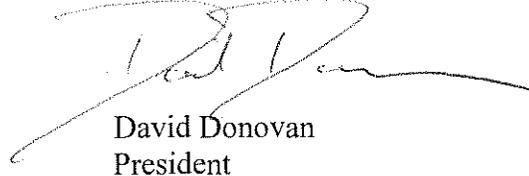
¹ Section 15.123(b)(6) of the Commission's rules requires a television labeled as "digital cable ready" (or the like) to include a DTV tuner.

² *Ex Parte* Letter from Robert S. Schwartz, McDermott Will & Emery, counsel for CEA, to Marlene H. Dortch, Secretary, FCC, Dec. 1, 2004, at 2. *See also Ex Parte* Letter from Julie M. Kearney, Senior Director of Regulatory Affairs, CEA, to Marlene H. Dortch, Secretary, FCC, Nov. 23, 2004.

to purchase digital sets and thereby reap the benefit of local broadcasters' unprecedented investment in DTV technology.³

On the other hand, granting NCTA's request would unnecessarily prolong existing cost, supply, and technical issues with the CableCARD. Cable-ready digital sets equipped with DTV tuners could remain out of reach of the average consumer. As last week's hearing before the House Telecommunications Subcommittee made clear, consumer access to television receivers with DTV tuners is essential to completing the digital transition. Accordingly, the FCC should enact policies that facilitate access to advanced digital receivers that contain over-the-air DTV tuners. Granting the extension requested by NCTA runs counter to this objective. At a time when Congress, the Commission, and the broadcast television industry are working to promote a successful conclusion to the digital transition, the Commission should not take steps that discourage consumer adoption of DTV technology.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Donovan", is written over a horizontal line. The signature is fluid and cursive.

David Donovan
President

³ The FCC recently reported that 1,481 of the 1,676 U.S. television stations with a DTV construction permit or license are broadcasting a digital signal. *See Summary of DTV Applications Filed and DTV Build Out Status, Jan. 5, 2005, available at <http://www.fcc.gov/mb/video/files/dtvsum.html> (last visited Jan. 13, 2005).*