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April 16, 2008

VIA ELECTRONIC FILING

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Notice of Ex Parte Presentations, MB Docket No. 07-148

Dear Ms. Dortch:

On April 14, 2008, at the National Association of Broadcasters (“NAB”) Show, the undersigned, on behalf of the Consumer Electronics Retailers Coalition (CERC), accompanied by Adam Goldberg of Pioneer Electronics, had a conversation with Monica Desai, Chief of the Media Bureau, with respect to the above entitled matter. The subject was the appropriate “Safe Harbor” language, as previously recommended by the undersigned in his *ex parte* letter on behalf of CERC dated March 17, 2008, and a recommended clarification of Section 15.124(b)(2)(ii).

In his March 17 *ex parte* letter, the undersigned recommended specific “Safe Harbor” notice language, based primarily on the March 16 referenced discussion with the Chairman’s Legal Advisor Michelle Carey, described in the March 17 *ex parte* as follows:

We also suggested that, while a “mandate” of specific notice language would not be appropriate, and would be inconsistent with the existing Order, a specification of some “safe harbor” language for products within the defined scope, and a listing of the covered products, would be of great benefit to manufacturers and retailers who wish to present a unified and helpful message to consumers. Toward these ends we recommended specimen “safe harbor” language, and offered to work with the Commission and with CEA to promulgate such language as co-branded guidance for the affected industries, as CERC and CEA have done in the past. A specimen of such language, as discussed in the meetings, is attached.

Our April 14 discussion with Ms. Desai concerned why, in the March 17 *ex parte*’s “Safe Harbor” language, the undersigned had deleted any no reference to inclusion of a “manufacturer’s telephone number.” The undersigned explained that, in the March 16 meeting

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with Ms. Carey, the undersigned and Ms. Blum had pointed out that in many cases a manufacturer does not maintain an appropriate telephone number, so this requirement could result in consumer confusion, and we recommended its deletion. Hence, based on this specific discussion occurring on March 16, the “manufacturer telephone number” language was omitted from the “Safe Harbor” text included with the March 17 *ex parte* letter.

The undersigned and Mr. Goldberg further represented to Ms. Desai that the “Safe Harbor” text has since been cited by both CERC and the Consumer Electronics Association (“CEA”) as recommended guidance to members, and has been used as a specific reference by manufacturers, and by retailers giving instructions to vendors, since the March 17 *ex parte* letter was filed with the Commission.

The undersigned notes that, for clarity and consistency, page 5 of the March 17 letter (“Recommended Clarifications To Report & Order Text,” specifically joined in by CEA) should *also* have included a *deletion* of the reference to a manufacturer’s telephone number from Section 15.124(b)(2)(ii), so as to read:

(ii) Information about the DTV transition is available from www.DTV.gov [[or this manufacturer at ‘telephone number’]], and from www.dtv2009.gov or 1-888-DTV-2009 for information about subsidized coupons for digital-to-analog converter boxes

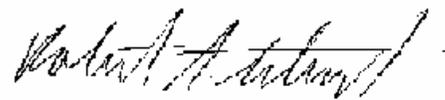
The undersigned regrets the failure to include this clarification in the March 17 *ex parte* but represents that this change does appear on the copy marked up during the referenced March 16 meeting. Further, as noted, it is reflected, via its deletion, in the “Safe Harbor” language appearing in the same *ex parte* letter. The undersigned further represented to Ms. Desai that he is aware that the referenced “Safe Harbor” language has been the basis of instructions to factories issued by several manufacturers, and by retailers to their vendors.

On behalf of CERC and CEA respectively, the undersigned and Mr. Goldberg expressed appreciation for the Commission’s continued interest in addressing these issues and concerns, and producing the best and clearest possible implementation of the regulations in question.

This letter is submitted pursuant to Section 1.1206(b)(2) of the Commission’s rules to provide notice of an oral *ex-parte* presentation in the above referenced matter. Copies of the letter and the attachments are being sent by electronic mail to the meeting participants identified above.

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Respectfully submitted,



Robert S. Schwartz
Constantine Cannon LLP
CERC Counsel

cc: Chairman Martin
Commissioner Copps
Commissioner Adelstein
Commissioner Tate
Commissioner McDowell
Michelle Carey
Krista Witanowski
Monica Desai