

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Motion Picture Association of America, Inc.))	CSR-7947-Z
)	MB Docket No. 08-82
Petition for Waiver of 47 C.F.R. § 76.1903))	
_____))	

COMMENTS OF AT&T INC.

AT&T supports the Motion Picture Association of America, Inc.’s (“MPAA’s”) request for a limited, permanent waiver of the prohibition in section 76.1903 of the Commission’s rules against the use by multichannel video programming distributors (“MVPDs”) of selectable output control (“SOC”) for set-top boxes in order to permit producers and distributors of theatrical films to partner with MVPDs to provide copy-protected, high definition feature films to subscribers prior to the date of their release on pre-recorded media.¹

MPAA asserts that the petitioners are interested in exploring opportunities to provide consumers the ability to order recently released theatrical, high definition movies directly from their MVPDs prior to their release on pre-recorded media, but that such content is too valuable so early in the distribution window to risk exposure to unauthorized copying and/or redistribution.² MPAA maintains that, in order to make such content available to consumers through MVPDs, the Petitioners require that it be transmitted only over secure and protected

¹ MPAA Petition for Expedited Special Relief, CSR-7947-Z, MB Docket No. 08-82 at 1-2 (filed May 9, 2006).

² *Id.*

digital outputs, which only SOC can provide.³ MPAA states that, without such added protections to prevent unauthorized copying and/or redistribution of such valuable content, petitioners would be un-willing to risk making recently-released high definition movies available for general in-home viewing prior to their release on pre-recorded media.

AT&T believes that MPAA has shown good cause for granting a limited, permanent waiver of the prohibition against SOC in the narrow circumstances identified in its waiver request. Specifically, MPAA has persuasively shown that grant of its waiver request will expand consumer choice by allowing consumers to purchase and enjoy high definition digital movies in their own homes prior to release of such films on pre-recorded media, and thus much earlier than they can today.⁴ At the same time, the limited waiver MPAA seeks would not alter the current application of the Commission's encoding rules because it would not affect any other programming – including the specific films at issue in any other release window.⁵ MPAA notes in this regard that, for content released through the new services it seeks to facilitate through its waiver request, once such content is released for general in-home viewing, SOC would not be employed and the Commission's encoding rules would continue to apply as they do today.⁶ In these circumstances, a limited waiver of the rules is justified.

³ *Id.* at 2-3.

⁴ *Id.* at 4-7.

⁵ *Id.* at 9.

⁶ *Id.*

For the foregoing reasons, AT&T supports MPAA's request for a limited waiver of the Commission's prohibition against SOC to enable petitioners and MVPDs to provide consumers the ability to order recently released theatrical, high definition movies directly through their MVPD.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Shandee R. Parran, hereby certify that on this 21st day of July 2008, a copy of AT&T's Comments filed in CSR-7947-Z and MB Docket No. 08-82 was served First Class U.S. Mail postage prepaid to the following:

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