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ATTORNEYS AT LAW

July 22, 2008

**Ex Parte**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: *Ex Parte Presentation*, MB Docket No. 03-15**

Dear Ms. Dortch:

On July 21, 2008, Dominic Perri, Executive Director of the Coalition for Independent Rating Services (“Coalition”) and Patricia Paoletta of Harris, Wiltshire & Grannis met with Julius Knapp, Chief, Office of Engineering and Technology (“OET”), Alan Stillwell, Deputy Chief, OET, Ira Keltz, Deputy Chief, OET, Eloise Gore, Associate Chief, Media Bureau, Mary Beth Murphy, Chief of the Policy Division, Media Bureau, John Wong, Chief of the Engineering Division, Media Bureau, Michael Lance, Deputy Chief of the Engineering Division, Media Bureau, and Walid Kassem, Engineer, Media Bureau.

The purpose of the meeting was to discuss TiVo Inc.’s *ex parte* letter of July 2, 2008 in MB Docket No. 03-15 and MB Docket No. 00-167, regarding *Petition for Clarification of Rules Regarding New Content Advisory Ratings Systems*. The Coalition appreciates and commends TiVo’s efforts on “protecting children from exposure to programming deemed harmful by their parents”<sup>1</sup> by providing its subscribers access to multiple ratings systems. However, in its *ex parte*, TiVo requests “that the Commission not adopt any change to its rules that would mandate that new ratings advisory systems be downloaded over-the-air.”<sup>2</sup> This is a concern to the Coalition, which has an interest in

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<sup>1</sup> See *Ex Parte letter of TiVo, Inc.*, MB Docket No. 03-15 at ¶ 1 (July 2, 2008) (“*TiVo ex parte*”).

<sup>2</sup> See *id.* at ¶ 6.

ensuring that the PSIP architecture be available in all consumer electronic products for alternative ratings to be downloaded over the air.

The Coalition represents six independent ratings providers whose mission is to educate the public on the benefit of content advisories that are developed independent of content producers.<sup>3</sup> Understanding that Commission rules require receivers to respond to changes in the content advisory rating system in accordance with the ATSC standard A/65 Program and System Information Protocol (PSIP)<sup>4</sup>, the Coalition has explored developing alternative ratings that could be carried in the PSIP and downloaded by interested viewers. The Coalition has also begun to meet with individual broadcast stations, since the Commission required broadcasters in the *Second DTV Periodic Report and Order* to fully implement PSIP to the extent that ATSC A/65 requires.<sup>5</sup> According to A/65, the PSIP mandatory tables include the Ratings Region Table (“RRT”).<sup>6</sup>

TiVo’s *ex parte* also expresses support for the Consumer Electronics Association’s petition to respond to changes in the content advisory system exclusively over RRT 0x05, which would limit the public’s access to independent ratings. As the Coalition has stated in the past, it hopes that one day viewers will be able to access alternative, independent ratings over RRTs 0x06, 0x07 or 0x08. TiVo notes in its *ex parte* that it can download RRT 0x05, so it should not be a burden to allow its users to download RRTs 0x06, 0x07 and 0x08. Indeed, TiVo states as much: “The broadband solution TiVo has adopted is extremely flexible and can accommodate up to 255 ratings advisory systems (*i.e.*, the maximum number of RRTs currently available under the transmission standard).”<sup>7</sup>

The Coalition noted to Bureau and OET staff, as it has stated in the past, that there is insufficient room in the 1024 bites of RRT 0x05 to accommodate both a downloadable version of the TV Parental Guidelines and alternative, independent ratings. Simply offering the existing TV Parental Guidelines ratings in Spanish would occupy most of the available space in 0x05. If such a Spanish translation were offered in Table 5, there would not be enough room to also provide new descriptors that would allow viewers to block content not included in the current TV Parental Guidelines – such as tobacco and alcohol abuse.

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<sup>3</sup> The Coalition for Independent Ratings Services is comprised of the National Institute on Media and the Family, Coalition for Quality Children’s Media / KIDS FIRST!, Parent Previews, Critics, Inc./Kids-in-mind.com, Children’s Software Revue, and FamilyStyle Film Guide. See [www.independentratings.org](http://www.independentratings.org).

<sup>4</sup> See 47 C.F.R. § 15.120(d)(2)(2007); see also *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, 23 FCC Rcd 2994, 3081 at ¶ 188 (2007).

<sup>5</sup> *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, 19 FCC Rcd 18279, 18345-46 at ¶ 152 (2004).

<sup>6</sup> See *id.* at n. 354.

<sup>7</sup> See *TiVo ex parte* at ¶ 4.

Given these space limitations in RRT 0x05, the Coalition continues to believe that users' access to independent ratings downloaded over RRTs 0x06, 0x07 and 0x08 would serve the public interest.

Sincerely,

A handwritten signature in black ink, appearing to read "P. A. Paoletta", with a long horizontal flourish extending to the right.

Patricia Paoletta  
*Counsel for the Coalition for  
Independent Ratings Services*

cc: Julius Knapp  
Alan Stillwell  
Ira Keltz  
Eloise Gore  
Mary Beth Murphy  
John Wong  
Michael Lance  
Walid Kassem