



August 13, 2008

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

**Re: Notice of Ex Parte Communication  
MB Docket Nos. 98-120, 07-148, 07-198**

Dear Ms. Dortch:

On Tuesday, August 12, 2008, Ann Bobeck and the undersigned of the National Association of Broadcasters (NAB) met with Rudy Brioché of the Office of Commissioner Adelstein. At the meeting, we discussed the need for the Commission to maintain a consumer-oriented focus as it considers proposals for blanket waiver of aspects of its viewability requirements for cable operators and/or cable systems of various sizes.

In particular, we expressed concerns about the accuracy of digital television (DTV) transition consumer education messaging should the Commission adopt a blanket waiver of its viewability rules. We noted that every cable consumer in the country has repeatedly been told in DTV transition messages from the cable industry that “[e]very TV set you have that’s hooked up to cable will still work just fine,” and that cable has “taken care of all that ‘transition stuff’ for [them].”<sup>1</sup> Moreover, education efforts by a variety of government entities including the Commission, various industry segments including the broadcasting and consumer electronics industries, and numerous nonprofit organizations have echoed this message. As a result, consumers who subscribe to cable undoubtedly believe that they will have access to all broadcast signals in digital format after the transition. We explained that this message simply will not be true for the millions of cable subscribers who will not have access to any must-carry stations in digital format if a blanket exemption is granted.

---

<sup>1</sup> See Todd Spangler, *Cable Puts Digital ‘Education’ on TV*, MULTICHANNEL NEWS (September 10, 2007) (quoting the text of public service announcements produced by the National Cable Telecommunications Association).

1771 N Street NW  
Washington DC 20036 2800  
Phone 202 429 5300  
www.nab.org

Ms. Marlene H. Dortch  
August 13, 2008  
Page 2

In light of these concerns, we emphasized the need for the Commission to carefully consider the consumer confusion that could result from a blanket waiver. Indeed, a blanket waiver may necessitate an overhaul of both governmental and industry DTV consumer education messaging in order to avoid confusion.

We also discussed the status of the Commission's pending proceeding addressing program access issues.

Please direct any questions to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "ERL Dozier". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Erin L. Dozier  
Associate General Counsel  
Legal and Regulatory Affairs

cc: Rudy Brioché