



August 14, 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**

Dear Ms. Dortch:

On Wednesday, August 13, 2008, Marsha J. MacBride and the undersigned of the National Association of Broadcasters (NAB) met separately with Elizabeth Andron of the Office of Chairman Martin and Eloise Gore of the Media Bureau. At the meetings, 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. Cable subscribers have repeatedly been told in DTV transition messages that “[e]very TV set you have that’s hooked up to cable will still work just fine,” and that cable operators have “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 broadcast signals in digital format after the transition. However, this message will be inaccurate for the cable subscribers who will not have access to any must-carry stations in digital format if a blanket exemption is granted.

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<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).

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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 unless some additional notification to affected cable subscribers is provided.

Please direct any questions to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'ERL Dozier', written in a cursive style.

Erin L. Dozier  
Associate General Counsel  
Legal and Regulatory Affairs

cc: Elizabeth Andrion  
Monica Desai  
Eloise Gore  
Mary Beth Murphy  
Lyle Elder