



August 15, 2008

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

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

Dear Ms. Dortch:

On Friday, August 15, 2008, the undersigned of the National Association of Broadcasters (NAB) participated in separate telephone conferences with Nicholas Alexander of the Office of Commissioner McDowell and Amy Blankenship of the Office of Commissioner Tate. During each conversation, 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].”¹ 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.

¹ 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 exemption unless some additional notification to affected cable subscribers is provided. We asserted that, at a minimum, affected subscribers who have spent large sums on HD sets to see HD signals should be warned that these signals may be downconverted into analog format pursuant to the exemption.

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 name "ERL" being more prominent and the last name "Dozier" written in a smaller, more connected script.

Erin L. Dozier
Associate General Counsel
Legal and Regulatory Affairs

cc: Nicholas Alexander
Amy Blankenship