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October 8, 2008

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CS Docket No. 98-120

Dear Ms. Dortch:

On October 7, 2008, Andy Scott (Vice President, Engineering) and I met with the following FCC Media Bureau staff: Eloise Gore, Mary Beth Murphy, Ronald Parver, Lyle Elder, John Wong and John Gabrysch. At our meeting, we discussed NCTA's comments and reply comments in the *Third Further Notice of Proposed Rulemaking* in the above-captioned proceeding.

Consistent with our written filings, NCTA urged the Commission to adopt channel positioning rules that cause the least disruption to cable customers during the broadcasters' digital transition. NCTA explained the technical and operational difficulties with the proposal to require operators to reconfigure their systems and set-top boxes so that multiple digital versions can appear on the same channel from a cable customer's perspective, and urged the Commission not to adopt such a requirement.

Respectfully submitted,

/s/ Diane B. Burstein

Diane B. Burstein

cc: E. Gore
M. Murphy
R. Parver
L. Elder
J. Wong
J. Gabrysch