

October 14, 2008

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 Twelfth St., SW  
Washington, DC 20554

Re: *Notice of ex parte* presentation in: MB Docket No. 08-82

Dear Ms. Dortch:

On October 10, 2008, Jef Pearlman of Public Knowledge spoke via telephone with Jonathan Campbell, Legal Intern in the Office of Commissioner Adelstein. The purpose of this call was to discuss the Motion Picture Association of America's (MPAA) *Petition for Expedited Relief and Petition for Waiver of 47 C.F.R. § 76.1903* and address issues raised by recent *ex parte* presentations in this docket.

We reiterated our point that consumers do not expect that their fully functional HDTVs will be unable to display certain HD content, even if they had previously received that content on a later date. We also confirmed that even if a person's cable receiver provided "allowed" digital outputs, this would not enable televisions with only HD analog inputs to view that content. In fact, regardless of which interpretation of the cited Consumer Electronics' Association data is used, the number of television sets without digital inputs *underestimates* the problem, because many home theater systems rely on analog connections, so that even televisions which have digital inputs will not display SOC content. Finally, the inclusion of protected digital outputs in the waiver petition demonstrates that the petition is a vehicle for gaining more control over devices rather than preventing alleged piracy through analog outputs. The remaining substance of our discussion is contained in our previous filings in this docket.

In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Respectfully submitted,



Jef Pearlman  
Equal Justice Works Fellow and Staff Attorney

cc:  
Jonathan Campbell