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Scott C. Friedman
Admitted in Illinois and Wisconsin

April 28, 2009

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

Via ECFS

**Re: The Electric and Water Plant Board of the City of Frankfort, Kentucky
("Frankfort Plant Board"); Notice of Ex Parte Presentation; CS Docket No. 97-80; CSR-8120-Z**

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, we electronically file this letter in CS Docket No. 97-80 as notice of an April 27, 2009 meeting between Mary Beth Murphy, Nancy Murphy and Brendan Murray of the Media Bureau and the following persons:

John Higginbotham, Superintendent Cable/Telecommunications, Frankfort Plant Board
Herbbie Bannister, Assistant General Manager, Frankfort Plant Board
Scott C. Friedman, Cinnamon Mueller, Attorney for Frankfort Plant Board
Jeremy M. Kissel, Cinnamon Mueller, Attorney for Frankfort Plant Board

The purpose of the meeting was to discuss Frankfort Plant Board's January 15, 2009 Petition for Waiver of 47 C.F.R. § 76.1204(a)(1), CSR-7902-Z. The discussion centered on the low cost and limited functionality of the Evolution Broadband DMS-1002-CA converter boxes, as well as Frankfort Plant Board's plans to migrate to all-digital within one year of the granting of the waiver. Frankfort Plant Board described how, as a non-profit, municipally-owned utility located in Frankfort, Kentucky, a waiver is necessary to add advanced services and assist in the continued development of competitive consumer and business telephone services in Frankfort. Frankfort Plant Board explained that the advanced services would include new programming services for its customers; and increased broadband capacity and Internet speeds that could potentially reach 100 Mbps.

Two letters were also distributed during the meeting, and have been attached to this notice of ex parte presentation.

Sincerely,

Scott C. Friedman

cc: Mary Beth Murphy
Nancy Murphy
Brendan Murray
John Higginbotham
Herbbie Bannister

Warner J. Caines
General Manager



Frankfort Plant Board TM

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Local Phone
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April 21, 2009

The Honorable Jim Bunning
United States Senate
Washington, D.C. 20510

Dear Senator Bunning:

The Frankfort Plant Board (FPB), the municipal cable operator in Frankfort since 1952, is currently seeking a wavier from the Federal Communications Commission (Docket CSR-8120-Z) to deploy the Evolution Broadband, LLC's low-cost, limited-capability integrated digital set-top box. FPB seeks your support of its wavier request currently before the FCC. This wavier is important to FPB's 17,100 cable households so that advanced services can be developed and offered to the citizens of Frankfort in the coming years.

FPB seeks this wavier so that it can begin the transition to an all-digital platform within a year of the granting of the wavier. The migration to an all-digital system will allow FPB to introduce new programming services to its customers; facilitate the delivery of increased broadband capacity and Internet speeds that could potentially reach 100 Mbps; and assist in the continued development of competitive consumer and business telephone services in Frankfort.

The wavier is needed because cable companies like FPB are prohibited from placing into service new navigation devices (digital set-top boxes) that "perform both conditional access and other functions in a single integrated device." FPB submitted this request to the FCC on January 15, 2009 to grant the request to waive Section 76.1204(a) (1) of the Commission's 2005 *Deferral Order* and Sections 1.3 and 76.7 of the Commissions rules.

FPB believes this low-cost (approximately \$55 per unit) limited-capability solution is essential for customers to view digital programming on analog television sets both during and after the DTV transition. After full deployment, the device will allow FPB to reclaim bandwidth and offer broadband Internet services, additional high-definition programming and other advanced services.

If more information is needed, please do not hesitate to call me at 502.352.4470 or via email at jhigginbotham@fewpb.com

Sincerely,

John Higginbotham
Superintendent
Frankfort Plant Board Cable/Telecom

Equal Opportunity/Affirmative Action Employer

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General Manager



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April 21, 2009

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510

Dear Senator McConnell:

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