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EX PARTE OR LATE FILED

FILED/ACCEPTED

JUN 11 2009

Federal Communications Commission
Office of the Secretary

Electronic Submission

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

ORIGINAL

**Re: Ex Parte Statement.
Petitions for Declaratory Ruling Regarding Public, Educational, and
Governmental Programming—MB Docket No. 09-13, CSR-8126, CSR-8127,
CSR-8128.**

Dear Ms. Dortch:

Yesterday, on behalf of AT&T Inc. (AT&T), Bob Quinn, Hank Hultquist and Christopher Heimann met in three separate meetings with Rick Chessen, Senior Legal Advisor to Acting Chairman Copps, along with Jamila Bess-Johnson at the same meeting, Rosemary Harold, Legal Advisor to Commissioner McDowell, and Mark Stone, Legal Advisor to Commissioner Adelstein to urge rejection of the above referenced petitions filed against AT&T's U-verse TV PEG product. The attachment hereto was used as the basis of the discussion.

In accordance with Section 1.1206 of the Commission's rules, this letter is being filed electronically with your office for inclusion in the public record of the above referenced proceedings.

Sincerely,

James K. Smith

Attachment

Cc: Rick Chessen
Jamila Bess-Johnson
Rosemary Harold
Mark Stone

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U-verse PEG is a Different, Not Inferior, Product

- U-verse system architecture, program insertion, and delivery system is totally different from incumbent cable architectures.
 - Switched two-way interactive service
 - Local programming inserted at DMA-based VHO
 - PEG programming accessed via an IP application on Channel 99
- U-verse PEG application is not a webcast.
- Principal difference between U-verse PEG and commercial programming is the manner by which subscribers access the programming.
 - Video quality upgraded; closed captioning scheduled to deploy beginning in June 2009; SAP and reduced PEG access time upgrades in 3Q09

Caution Is Warranted in Regulating U-verse PEG

- U-verse TV is inextricably intertwined with broadband deployment.
- U-verse TV is based on an all-IP architecture totally unlike that of traditional cable operators. Method of delivering PEG should not be frozen in time.
 - Regional architecture situated between that of cable and satellite
- U-verse TV offers PEG opportunities that are not available from incumbent cable operators.
- U-verse TV architecture will allow for much more user generated content—beyond that of the PEG community.
- U-verse PEG functionality is robust along with continual improvements .
- Petitioners' demands would require a costly, comprehensive re-engineering of the network.

Petitioners Seek FCC Intervention on Matters That Are Not Federal Issues

- Federal PEG requirements are extremely narrow and inapplicable to U-verse TV.
- U-verse TV is provided pursuant to state-wide video franchise laws in most locations.
- Record reflects pre-emption concerns over federal intervention on an issue over which states and their subordinates are authorized to establish substantive requirements.

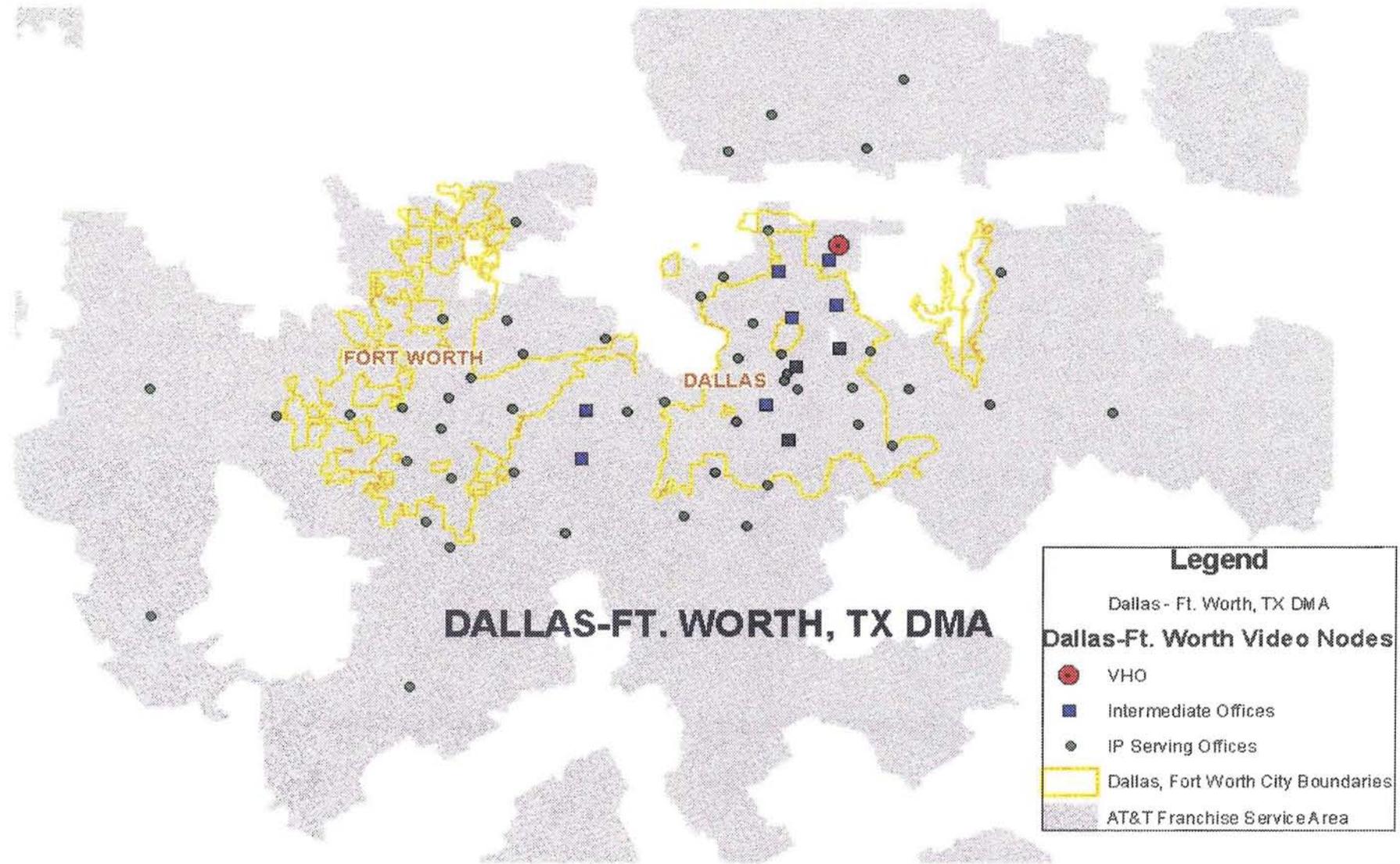
Federal PEG Requirements Apply only to Cable Operators Subject to Rate Regulation

- AT&T is not providing a "cable service," is not a "cable operator" subject to rate regulation.
- The definition of "cable service" is tied to "one way transmission".
- U-verse TV encompasses subscriber interaction integrated into programming.

AT&T U-Verse VHOs



AT&T Video Network in Dallas-Ft. Worth





**AT&T Ex Parte
June 10, 2009**

**CSR-8126; CSR-8127; CSR-8128
MB Docket No. 09-13**