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August 19, 2009

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

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, Robert W. Quinn, Jr., Senior Vice President-Federal Regulatory and Gary Phillips, General Attorney and Associate General Counsel, with AT&T, met with William Freedman, Acting Senior Legal Advisor for Media and Enforcement Issues/Office to Commissioner Meredith Attwell Baker, and urged the Commission not to grant the relief sought in the above-referenced petitions. The attachment hereto summarizes 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,

A handwritten signature in black ink that reads "Robert W. Quinn, Jr." in a cursive script.

Robert W. Quinn, Jr.

Attachment

cc: William Freedman

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.

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

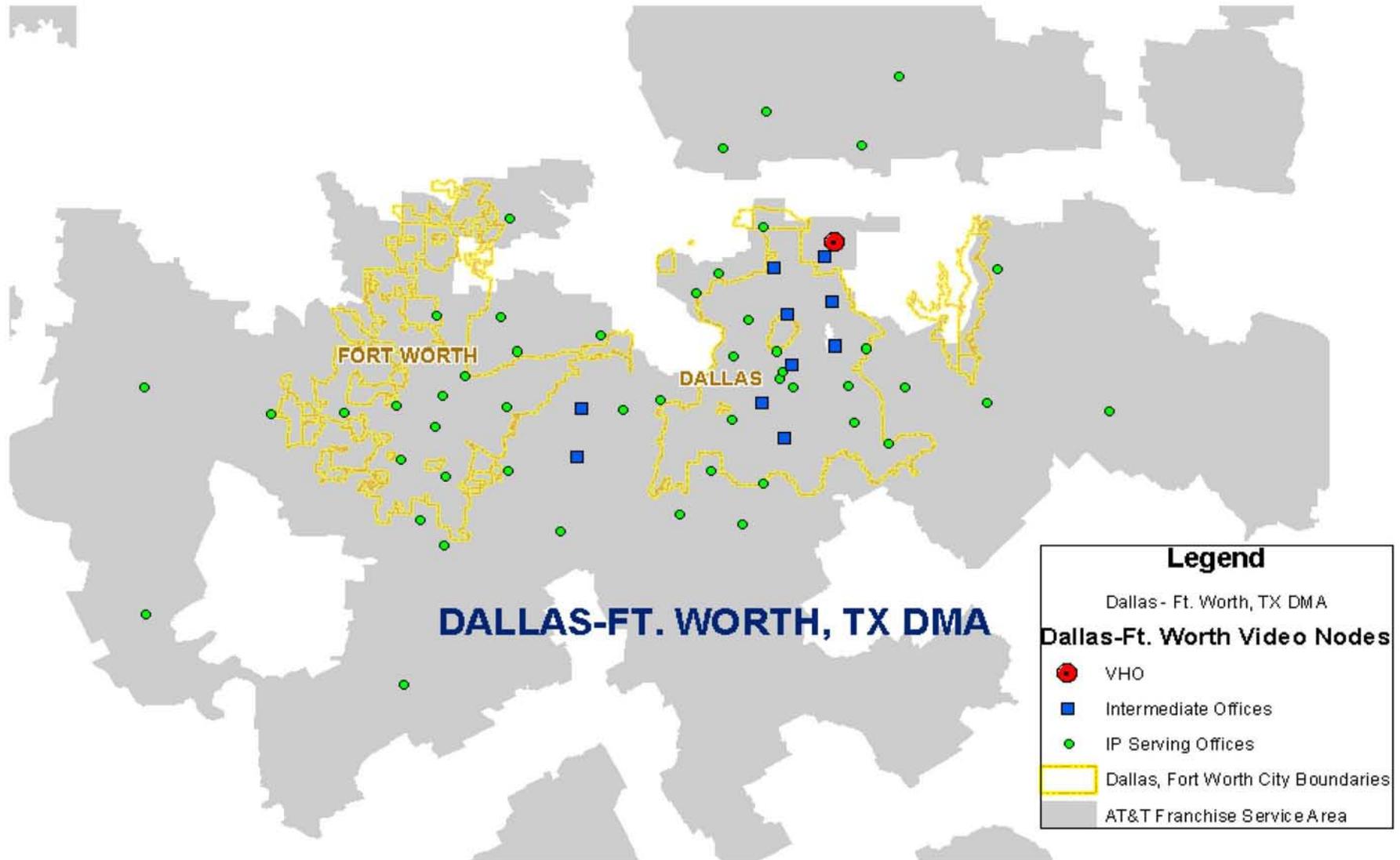
Caution Is Warranted in Regulating U-verse PEG

- 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.

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 Video Network in Dallas-Ft. Worth



AT&T U-Verse VHOs

