

September 4, 2009

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St. SW  
Washington, DC 20554

RE: Notice of *Ex Parte* presentation in: MB Docket No. 08-82  
MB Docket No. 97-80

Dear Ms. Dortch:

On behalf of Public Knowledge, this letter is to provide information relating to discussions between Public Knowledge and members of the FCC Media Bureau on September 3, 2009.

Present at the meeting were: Gigi Sohn, President of Public Knowledge; Harold Feld, Legal Director of Public Knowledge; Jef Pearlman, Equal Justice Works Fellow, Public Knowledge; Michael Weinberg, Law Clerk, Public Knowledge; Bill Lake, Chief, FCC Media Bureau; Robert H. Ratcliffe, Deputy Chief, FCC Media Bureau; Mary Beth Murphy, Chief, Policy Division, FCC Media Bureau; Jeffrey Neumann, Electrical Engineer, Engineering Division, FCC Media Bureau; Brendan P. Murray, Attorney Advisor, Policy Division, FCC Media Bureau; and Steven Broeckaert, Senior Deputy Chief, Policy Division of the FCC Media Bureau.

The parties discussed Public Knowledge's concern that granting the MPAA petition for a waiver of the Selectable Output Control ban would continue a general pattern of the Commission undermining the purpose of § 629 by granting exceptions that swallow the rule of interoperability. Additionally, Public Knowledge pointed out that no evidence has been put forward in support of the waiver showing that such a waiver was necessary.

Public Knowledge also requested that the Commission reexamine how it is addressing Section 629 enforcement, and pointed to the recent decision on switched digital as an example of the Commission's current unwillingness to adequately advance Congressional intent in this area or signal its intent to do so.

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
Jef Perlman  
Equal Just Works Fellow  
Public Knowledge