



National Cable & Telecommunications Association
25 Massachusetts Avenue, NW – Suite 100
Washington, DC 20001
(202) 222-2300

www.ncta.com

Neal M. Goldberg
Vice President and General Counsel

(202) 222-2445
(202) 222-2446 Fax

EX PARTE

November 18, 2009

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

**RE: National Broadband Plan, GN Docket No. 09-51;
Commercial Availability of Navigation Devices, CS Docket No. 97-80**

Dear Ms. Dortch:

On Tuesday, November 17, 2009, William Check of the National Cable & Telecommunications Association (NCTA), Paul Glist, of the law firm of Davis Wright Tremaine on behalf of NCTA, and I met with Carlos Kirjner, Senior Advisor to the Chairman on Broadband; Phil Bellaria, Director, Scenario Planning, National Broadband Task Force; Brian David, Program Director, Adoption and Usage, National Broadband Task Force; Kris A. Monteith, Deputy Bureau Chief, Media Bureau; Nancy Murphy, Associate Bureau Chief, Media Bureau; Mary Beth Murphy, Policy Division Chief, Media Bureau; Steven Broecker, Senior Deputy Policy Division Chief, Media Bureau; and Jeff Neumann, Senior Engineer, Engineering Division, Media Bureau.

In that meeting, we discussed the cable industry's development, deployment and support for CableCARDS, tru2way and EBIF technologies currently in use with cable set-top boxes as well as technologies used in home networking. In response to a question from the staff, we noted that the cable industry has invested hundreds of millions of dollars in CableCARDS to date.¹ Our comments were consistent with the filings we have made in CS Docket 97-80 with respect to the FCC's implementation of Section 629 of the Communications Act of 1934, as amended.

¹ For example, if, as the Media Bureau has suggested, a CableCARD adds about \$56 in cost to a set-top box, then the cable industry has incurred over \$900 million to date just to comply with the integration ban by including CableCARDS in its leased set-top boxes (*i.e.*, \$56 x 16,710,000 = \$935 million), plus development costs and costs for supporting retail equipment.

Ms. Marlene H. Dortch
November 18, 2009
Page 2

Respectfully submitted,

/s/ Neal M. Goldberg

Neal M. Goldberg

cc: Carlos Kirjner
Phil Bellaria
Brian David
Kris Monteith
Nancy Murphy
Mary Beth Murphy
Steven Broeckaert
Jeff Neumann