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Mr. William T. Lake
Chief, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: MB Docket No. 08-82, CSR-7947-Z

Dear Mr. Lake:

On September 9, 2009, you met with me and representatives from Time Warner Cable (“TWC”) to discuss issues arising from the Motion Picture Association of America’s request for waiver of the FCC’s selectable output control (“SOC”) rule. As we reported in our ex parte filing regarding that meeting, you and your staff asked the TWC representatives how cable operators can use their electronic program guides, on-demand menus, and other consumer communications to inform and guide customer purchases and to avoid customer confusion regarding whether early release movies are available to them. The TWC representatives briefly responded, noting that, since no waiver had been granted, it was difficult to say with any specificity what particular steps TWC might take to avoid consumer confusion when early-release movies are delivered exclusively over protected digital interfaces using SOC. Since that meeting, the TWC representatives have had further discussions about this issue and I am taking this opportunity to follow-up on their previous comments.

Specifically, they report that, if a waiver is granted, TWC would take great care to differentiate this new service – pre-DVD-window movies – from its existing VOD movie offerings. TWC would do so in its marketing materials by informing customers in clear and simple language of the associated technical requirements to access that offering – specifically, an HD digital cable set-top box connected to an HD display via a protected digital interface. In addition, TWC would clarify in its promotional materials that HD displays that do not include a compatible digital interface – e.g., those with only unprotected analog (component video or VGA) inputs – are not compatible with the new offering. These marketing efforts would apply across all media: print, television, and within the user interface on the digital cable set-top box. On the technical side, TWC would take steps to attempt to eliminate the possibility that a customer without the necessary equipment could order an early-release movie. This could be accomplished in a number of ways, for example, by only loading the implementing application

once the HD set-top box has securely connected to an HD display or by interrupting the ordering process and displaying a slate on incompatible displays alerting the customer of compatibility issues (and possible remedies).

TWC also makes the point that it would have numerous incentives to ensure that the necessary promotional, educational, and technical efforts were taken to minimize confusion. Customer communications would be designed to reduce unnecessary calls to customer service centers; minimize the need to provide any refunds to dissatisfied customers who do not have the necessary equipment to access SOC-enabled offerings; and, most importantly, avoid the customer dissatisfaction – and potential customer loss to competitors – that could result from a poorly implemented approach to such offerings. Detailed campaigns would be designed after the grant of a waiver and the finalization of commercial arrangements for the delivery of early-release movies to TWC customers.

The above information reflects TWC's current thinking on how it might implement SOC to avoid consumer confusion. Other cable operators likely will take similar or additional steps once a waiver is granted for the use of SOC.

I hope this information is responsive to your earlier questions. If you need any additional information, please contact me.

Sincerely,

/s/ **Neal M. Goldberg**

Neal M. Goldberg

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