

November 18th, 2009

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ORIGINAL

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

FILED/ACCEPTED

NOV 19 2009

Federal Communications Commission
Office of the Secretary

RE: Notice of Ex Parte Presentation in MB Docket No 08-82

Ms. Dortch,

On November 18th, I filed the attached ex parte electronically in MB Docket No 08-82. However I was not able to attach the IFTA New Media Guide or the IFTA Television Licensing Guide due to the size of the electronic files. Hard copies are enclosed so they can be added in to the docket.

Thank you.

Sincerely,



Nicole Young, Podesta Group

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RE: Notice of Ex Parte Presentation in MB Docket No 08-82

Ms. Dortch,

On November 17th Susan Cleary, Vice President & General Counsel, Independent Film and Television Alliance and Nicole Young, Principal, Podesta Group met with Rick Kaplan, Legal Advisor and Chief of External Affairs to Commissioner Clyburn to express IFTA's opposition to the MPAA's request for a waiver of the selectable output control prohibition. IFTA pointed out that the waiver is discriminatory and that the petitioner has not met its burden. We noted that there is inadequate data in the record on the necessity of the waiver to address copyright piracy issues. IFTA also noted that this proposed service is not a new service since several studios have already provided this service without the waiver of the selectable output control prohibition and provided two articles describing these offerings. We reviewed the arguments in the IFTA comments and in its November 10, 2009 letter both filed in the docket. Additionally we explained IFTA's membership's difficulty in securing distribution of their products and also described various release windows for films. IFTA noted that the waiver would diminish access to films that are produced independently and damage the public's interest in expanded availability of programming.

Sincerely,

Nicole Young, Podesta Group



cc: Rick Kaplan

DOCKET NO. 00-82

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