

April 12, 2010

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

RE: Notice of *Ex Parte* presentation in: CSR-7902-Z
 CS Docket No. 97-80
 GN Docket No. 09-51

Dear Ms. Dortch:

On behalf of Public Knowledge, this letter is to provide information relating to discussions between Public Knowledge (PK) and a member of the Commission's staff on April 9, 2010.

Present at the meeting were: Harold Feld, Legal Director, PK; Michael Weinberg, Staff Attorney, PK; Rick Kaplan, Chief of Staff to Commissioner Clyburn, FCC.

PK discussed its concerns with the proposal to enshrine the set top box Evolution waiver in Commission rules. Such a decision would undermine any attempts at reforming the set top box market by making it much harder for competing set top boxes to offer compelling products to consumers.

Furthermore, PK requested that the Commission resolve PK's pending petition for reconsideration of the original Evolution waiver decision before electing to formalize that waiver in Commission rules.

In accordance with the FCC's *ex parte* rules, this document is being electronically filed in the above-referenced dockets today.

Sincerely,

_____/s/_____
Michael Weinberg
Staff Attorney
Public Knowledge

CC: Rick Kaplan